

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 586 /2016**

Devanand Vikram Dhabale,  
Aged about 51 years, Occupation : Service,  
R/o Ashok Park, near Banjara Colony Pusad,  
District Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary, Revenue Department,  
Mantralaya, Mumbai-32.
- 2) The Divisional Commissioner, Amravati  
Bye pass road, Camp, Amravati-444 602.
- 3) The Collector, Yavatmal.
- 4) Shri Mandar Nandkishore Indurkar,  
Aged about : Occupation : Service,  
R/o Tahsil office, Pusad, Tq. Pusad,  
District Yavatmal.

**Respondents**

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**Shri Anand Deshpande, Advocate for the applicant.**

**Shri S.A. Sainis, Id. P.O. for the respondent nos.1 to 3.**

**None for respondent no.4**

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**Coram :- Hon'ble Shri J.D. Kulkarni,  
Vice-Chairman (J).**

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**JUDGEMENT**

**(Delivered on this 19<sup>th</sup> day of April,2017)**

Heard Shri A. Deshpande, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent nos. 1 to 3. None for respondent no.4. The O.A. is heard finally at the admission stage with consent of Id. counsel for parties.

2. The applicant Shri Devanand V. Dhabale has filed this O.A. whereby he has challenged the impugned order of his transfer dated 20/08/2016 (A-6,P-29). Vide impugned order the applicant has been transferred from the post of Naib Tahsildar, Tahsil Office, Pusad to the post of Naib Tahsildar (I xk; k), Tahsil Office, Telhara, District Akola. According to the applicant, the said order of transfer is a mid-term as well as mid tenure as he has not completed his normal tenure of three years at Pusad and the transfer order does not comply the provisions of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short 'Transfer Act').

3. The respondents have filed separate reply-affidavits. The respondent no.2, the Divisional Commissioner, Amravati and respondent no.3, the Collector, Yavatmal have tried to justify the order. They have stated that the respondents have acted as per the provisions of the Transfer Act and they have complied with the provisions of the said Act. It is further stated that the transfer is in the administrative convenience. The respondents further stated that the

Training Programme of the probationary Naib Tahsildars was held from 22/08/2016 to 21/01/2017 for 22 weeks and it was necessary to give them independent charge of the post of Naib Tahsildar (Revenue) and therefore all the trainee Naib Tahsildars were transferred. In all 27 Naib Tahsildars were given independent postings and in the said exercise, the applicant has been transferred from Pusad to Telhara.

4. According to the respondents, the Government of Maharashtra, Revenue and Forest Department has issued order dated 23/06/2016 in respect of delegation of power of transfer in the cadre of Naib Tahsildar (Group-B) and in accordance with the power, the impugned order of transfer has been issued. The said order has been made as for as exceptional administrative reasons. The order has been issued in view of the Government directions to provide independent posts to the newly recruited Naib Tahsildars. Since the respondents have tried to justify the impugned transfer order and admitted that the transfer order is a mid-term as well as mid tenure, it is necessary to verify whether the said order is in the administrative convenience.

5. Perusal of the impugned order dated 20/08/2016 shows that as many 29 direct recruited Naib Tahsildars who were on probation have been given independent postings. Initially this order for a period of 22 weeks and admittedly now the said period has been

extended to further 66 weeks. The opening Para of the impugned order reads as under :-

^ , df=r ijfo{kkf/ku if'k{k.k dk; bl&2 varxr ijfo{kk/khu uk; c rgfl ynkj ; kauk fnukad 22@08@2016 rs 21@01@2017 %22 vkBoM% ; k dkyko/kh djhrk uk; c rgfl ynkj %egl %y% ; k inpk Lora= dk; Hkkj nsksvko' ; d vkgs R; kud kj [kkyh uem dsvY; k ijfo{kk/khu vf/kdk&; kauk R; kR; k ukokl ekj n'kZoY; ki.zk.k.uk; c rgfl ynkj %egl %y% ; k inkoj i qhy if'k{k.k dkyko/kh djhrk inLFkki uk ns; kr ; s vkgs\*\*

6. In view of the postings given to the newly recruited 29 Naib Tahsildars who were under probation, the respondents have transferred in all 22 Naib Tahsildars at different places and it has been mentioned in its order itself as under :-

^ egkjk"V"kkI dhi; deplk&; kpscny; kpsfouh; eu vkf.k 'kkI fd; drD; i kj i kMrkauk gskk&; k foyckl ifrcdk vf/kfu; e]2005 e/hy dye 4 %4% 5 I g dye 6 ef/ky rjrqh ud kj n'kZo.; kr vkysys I {ke vf/kdkjh ; kps dMs fughr vl ysys vf/kdkj foHkkxh; vk; Dr ; kauk i R; k; ksthr dj.; kr vkysysvkgs I nj rjrqh ud kj ijfo{kk/khu uk; c rgfl ynkj ; kauk uk; c rgfl ynkj %egl %y% inkoj inLFkki uk nsk dæiklr vl Y; keGs [kkyhy uk; c rgfl ynkj I dxkth vf/kdk&; kauk izkkI fd; dkj.kLro R; kR; k ukokl ekj n'kZoY; ki.zk.k.scnyhusi nLFkki uk ns; kr ; s vkgs\*\*

7. From the aforesaid circumstances, it will be clear that the respondent, the Deputy Commissioner (Revenue), Division Amravati has given the reason as to why the persons like applicant were being transferred.

8. The learned P.O. has invited my attention to G.R. dated 23/06/2016 and G.R. dated 31/01/2014. The said G.Rs. are placed on

record which are at P.B. page nos. 33 to 38 and 40 to 43 respectively. From the aforesaid G.Rs., it is clear that the power to transfer the Naib Tahsildars has been given to the Service Board and the Competent higher authority of such Board is the Divisional Commissioner. There is no reason to disbelieve that the newly recruited Naib Tahsildars (Direct) have to undergo training and after completion of the probation they are to be posted on independent post. Accordingly, the proposal was sent and the same has been accepted by the Competent Authority. The training period of 22 weeks have been extended to 66 weeks. There are administrative decisions in this regard such as dated 9/10/2015 which at P.B. page nos. 64 to 67 and dated 20/01/2017 at P.B. page nos. 68 to 70. Perusal of the impugned order of transfer shows that the applicant was not the only person who has been transferred, but as many as 22 persons have been transferred. In order to give independent posting to the newly recruited Naib Tahsildars, all have been done in the administrative exigency.

9. This Tribunal was pleased to pass the order dated 21/03/2017 whereby the respondents were directed to take instructions as to whether after training period is completed, the applicant can be re-accommodated at Pusad. It was under impression that the transfer of the applicant was for 22 weeks only.

10. The learned P.O. has placed on record the communication dted 24/03/2017 which is marked "Exh-X" and vide said communication the Divisional Commissioner, Amravati has stated that the applicant has been transferred and there is no question of re-transferring him to Pusad.

11. Perusal of the impugned order though sates that only newly recruited Naib Tahsildars were given independent charge for 22 weeks only, admittedly the said period has been extended to 66 weeks. So far as 22 Officers including the applicant is concerned, it has been mentioned in the order that they have been transferred in view of the provisions of sections 4 (4), 5 r/w section 6 of the Transfer Act. The transfer of the applicant therefore is not deputation, but it is an exceptional or special transfer under Sections 4 (4) & (5) of the Transfer Act for which the sanction of Competent Authority under section 6 of the said Act has been obtained. I, therefore, do not find any merit in the O.A. and hence the following order :-

### **ORDER**

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

**(J.D. Kulkarni)**  
**Vice-Chairman (J).**