

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.673 OF 2021**

**DISTRICT : THANE**

Shri Sudhir Pandurang Bombe. )  
Age : 53 Yrs, Occu.: Govt. Service, )  
Working as Awal Karkoon, Tahasil Office, )  
Kalyan and residing at Lord Sumatinath, )  
Vayale Nagar, Khadakpada, )  
Kalyan (W) – 421 301. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through the Secretary, )  
Revenue & Forest Department, )  
Mantralaya, Mumbai – 400 032. )
2. The Collector, )  
District : Thane, Opp. District Court,)  
Court Naka, Thane (W) – 400 601. )
3. Shri Atul Naik. )  
Uppar Circle Officer, Bhivandi )  
Tahsil Office, Bhivandi, )  
At P.T. Bhivandi, District : Thane. )
4. Shri Rajesh Narute. )  
Circle Officer, Dahisar, Office of )  
Tahasildar, Thane. )
5. Shri D.P. Chavan. )  
Circle Officer, Ambarnath, )  
Office of Tahasildar, Ambarnath. )...**Respondents**

**Mr. C.T. Chandratre, Advocate for Applicant.**

**Mr. A.J. Chougule, Presenting Officer for Respondents 1 & 2.**

**Shri A.V. Bandiwadekar, Advocate for Respondent No.3.**

**Shri M.D. Lonkar, Advocate for Respondent No.4.**

**Respondent No.5 though served absent.**

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

**DATE : 06.12.2021**

### **JUDGMENT**

1. The Applicant is serving in the cadre of Awal Karkoon and presently, he is posted at Tahasil Office, Kalyan, District : Thane. His grievance is that Respondent No.2 – Collector, Thane has transferred Respondent Nos. 3 and 4 on the post of Circle Officer in contravention of G.R. dated 21.11.1995 which *inter-alia* provides for interchanging post of Awal Karkoon and Circle Officer after completion of two years tenure in the said post as per seniority. Para No.3 of G.R. dated 21.11.1995 is material, which is as under :-

“वरील परिच्छेदात नमूद केल्याप्रमाणे मंडळ अधिकारी व अव्वल कारकून या संवर्गातील पदावर परस्पर संवर्गातील कर्मचा-यांमधून बदलीने करावयाच्या नेमणुका या प्रशासकीय सोयीच्या अधीन राहून सामान्यता: ज्येष्ठतेनुसार करण्यात याव्यात व साधारणपणे एका वेळी २ वर्षांपेक्षा अधिक कालावधीसाठी असू नयेत, ज्यायोगे या दोन्ही संवर्गातील जास्तीत जास्त कर्मचा-यांना परस्पर संवर्गातील कामाचा अनुभव मिळू शकेल.”

2. Shri C.T. Chandratre, learned Advocate for the Applicant has pointed out that the Applicant is senior to Respondent Nos.3 and 4 which is evident from gradation list.

3. The Applicant has made representation dated 17.08.2021 raising grievance to the Collector, Thane for non-observance of G.R. dated 21.11.1995, but not responded.

4. Shri Chandratre, learned Advocate for the Applicant therefore, submits that the O.A. be disposed of with direction to the Respondent – Collector to decide the representation dated 17.08.2021 within stipulated time.

5. Whereas Shri A.V. Bandiwadekar, learned Advocate for Respondent No.3 tried to contend that the G.R. dated 21.11.1995 is no more in force in view of the decision rendered by the Tribunal in **O.A.No.300/2017 (Aurangabad District Talathi Sangh Vs. State of Maharashtra) decided on 04.04.2018.**

6. However, the perusal of Judgment reveals that, all that, the Tribunal observed that interchanging/transfer after tenure of two years as stated in G.R. dated 21.11.1995 is inconsistent with the provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act 2005' for brevity) and such interchanging should be governed by the provisions of 'Transfer Act 2005'. As such, all that the Tribunal made applicable the provisions of 'Transfer Act 2005' for interchanging the post. Therefore, the submission advanced by Shri Bandiwadekar that the G.R. dated 21.11.1995 is repealed is misconceived.

7. Indeed, after the decision of the Tribunal in **O.A.300/2017** (cited supra), the Government had issued fresh G.R. dated 29.10.2020 to implement the decision given by the Tribunal and also to continue the policy reflected in G.R. dated 21.11.1995, since it was found beneficial to the employees so that they could get the experience of both the posts.

8. Admittedly, the Applicant has completed three years' tenure in the post of Awal Karkoon and his representation dated 17.08.2021 is kept undecided.

9. In view of above, the O.A. is disposed of with direction to the Respondent – Collector, Thane to decide the representation dated 17.08.2021 made by the Applicant in accordance to Rules/law within six weeks from today and the decision, as the case may be, shall be communicated to the Applicant.

10. No order as to costs.

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

Mumbai

Date : 06.12.2021

Dictation taken by :

S.K. Wamanse.

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