

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.740 OF 2020**

**DISTRICT : THANE**

Shri Suresh Gangaram Annapure. )  
Aged : 53 Yrs., Working as Joint )  
Commissioner [Food], Amravati Division, )  
Having office at Jawade Compound, )  
Amravati and permanent R/o. Athane )  
Building, 1204, A-Wing, Lodha Paradise, )  
Majiwade, Thane (W). )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through Principal Secretary, )  
Medical Education & Drugs Dept., )  
Mantralaya, Mumbai – 400 032. )  
2. Shri S.S. Deshmukh. )  
Aged : Adult, Working as Joint )  
Commissioner [Food], Thane and )  
Having office at Thane. )  
3. Shri S.S. Desai. )  
Aged : Adult, Working as Joint )  
Commissioner [Food], Pune and )  
Having office at Pune. )...**Respondents**

**Mr. A.V. Bandiwadekar, Advocate for Applicant.**

**Mrs. A.B. Kololgi, Presenting Officer for Respondent No.1.**

**Mr. C.T. Chandratre holding for Mrs. Punam Mahajan, Advocate for Respondent Nos.2 & 3.**

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

**DATE : 31.03.2021**

**JUDGMENT**

1. In this Original Application, the Applicant has challenged the transfer orders of Respondent Nos.2 and 3 dated 2<sup>nd</sup> November, 2020 whereby they were transferred from Thane to Pune and Pune to Thane respectively.

2. Since the Applicant is presently serving as Joint Commissioner [Food] at Amravati, the Office has raised objection on account of jurisdiction. Later, when the matter was listed for admission, the Tribunal also noticed that the Applicant being serving at Amravati, the O.A. should have been filed before the Nagpur Bench and the question of jurisdiction needs to be decided at the threshold, since learned Advocate for the Applicant was harping that this Tribunal at Mumbai has jurisdiction to entertain and decide the O.A.

3. The factual matrix is as under :-

The Applicant is serving in the cadre of Joint Commissioner and he was posted at Amravati by order dated 14.06.2017. Earlier, he was serving at Mumbai and by order dated 14.06.2017, he was transferred and posted at Amravati. Since then, he is serving at Amravati. In O.A. also, the Applicant's address is of Amravati.

4. The Applicant's grievance is that, though in general transfers of 2020 he was due for transfer and gave options of Thane and Pune, his options were not considered and he was retained at Amravati. On the contrary, the Respondent No.1 – Government transferred Respondent No.2 from Pune to Thane and Respondent No.3 from Thane to Pune by order dated 02.11.2020. It is these transfer orders of Respondent Nos.2 and 3 which are challenged by the Applicant in the present O.A.

5. Shri A.V. Bandiwadekar, learned Advocate for the Applicant sought to canvass that his client is subjected to discrimination since though he was due for transfer, he was not transferred in general transfers of 2020 and on the contrary, the Respondent No.1 – Government had accommodated Respondent Nos.2 and 3 at Thane and Pune respectively by transfer order dated 2<sup>nd</sup> October, 2020. According to him, the cause of action in view of transfer orders of Respondent Nos.2 and 3 has arisen at Mumbai, and therefore, this Tribunal has jurisdiction to entertain and decide the present O.A. To bolster-up this contention, he placed reliance on certain decision which will be discussed a little later.

6. Per contra, Shri C.T. Chandratre, learned Advocate holding for Smt. Punam Mahajan and learned P.O. has pointed out that in terms of Rule No.6 of Maharashtra Administrative Tribunal (Procedure) Rules, 1988 (hereinafter referred to as 'Rules of 1988' for brevity), the Applicant being posted at Amravati, the O.A. ought to have been filed before Nagpur Bench of the Tribunal and this Tribunal has no jurisdiction to entertain the O.A.

7. Rule No.6 of 'Rules of 1988' is as follows :-

**“6. Place of filing applications :**

The application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction.-

- (i) the applicant is posted for the time being, or
- (ii) the cause of action has arisen, or
- (iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides :

Provided that the application may be filed with Registrar of the Principal Bench and, subject to Section 25 of the Act, such application may be transmitted to be heard and disposed of by the Bench which has jurisdiction over the matter.”

8. It is explicit from Rule No.6 reproduced above that O.A. has to be filed with the bench of Tribunal within whose jurisdiction the Applicant is posted for the time being as per Clause [i] of Rule 6. The Applicant, admittedly, is posted at Amravati. This being so, here Clause No.[i] of Rule 6 is attracted and O.A. ought to have been filed before Nagpur Bench. If the submission advanced by the learned Advocate for the Applicant that the orders in respect of Respondent Nos.2 and 3 are issued by Government of Maharashtra at Mumbai, and therefore, this Tribunal at Mumbai has jurisdiction to entertain the O.A. is accepted, in that event, all O.As wherein orders are passed by Government will have to be entertained at Mumbai alone. I am afraid that this is not the correct legal position. The Applicant, if he feels aggrieved by the transfer of Respondent Nos.2 and 3 and by not transferring him though he was due for transfer, then cause of action has certainly arisen to him at Amravati, which comes under the jurisdiction of Nagpur Bench of this Tribunal. Suffice to say, only because Respondent – Government of Maharashtra's Head Quarter is at Mumbai, it cannot be said that this Tribunal has jurisdiction to entertain this O.A.

9. Where 'Rules of 1988' specifically provides for jurisdiction of the Tribunal and Tribunals are established at Nagpur and Aurangabad, all O.As relating to service matters are being entertained and decided by respective Tribunals within whose jurisdiction, the concerned Government servant is posted. Clause (i), (ii) and (iii) of Rule 6 of 'Rules of 1988' will have to be read in chronological order from (i) to (iii) and where Clause No.1 is attracted, the O.A. has to be filed in the Tribunal within whose jurisdiction the Applicant is posted. I, therefore, see no substance in the submission advanced by the learned Advocate for the Applicant that this Tribunal has jurisdiction to entertain the O.A. only because the orders are passed by the Government at Mumbai. Such interpretation is totally contrary to the object of Rule 6 of 'Rules of 1988'.

10. Shri Bandiwadekar, learned Advocate for the Applicant sought to place reliance on the decision of Hon'ble High Court Bench at Nagpur in ***Writ Petition No.5724/2019 (Shriram N. Mahankaliwar Vs. Union of India & Ors.) decided on 21<sup>st</sup> August, 2019.*** It was a matter pertaining to election as a Member of Western India Regional Council of the Cost Accountants of India. The said Writ Petitioner was declared as Chairman of the said Council. However, Secretary of Cost Accountants of India, Kolkata by order dated 09.08.2019 declared the election of Petitioner as Chairman of the Council as null and void. The Petitioner was residing at Nagpur, and therefore, he had filed Writ Petition before Nagpur Bench. In Writ Petition, preliminary objection was raised on the point of jurisdiction. The Hon'ble High Court held that the election in which Petitioner was selected was held at Mumbai and the Regional Office of the Council is also located at Mumbai. The Hon'ble High Court, therefore, held that Nagpur Bench has no territorial jurisdiction to entertain the Writ Petition and accordingly, dismissed it for want of territorial jurisdiction with liberty to Petitioner to approach appropriate forum. This Judgment was placed into service to contend that mere residence of a person at a particular place is not determining factor. I am loss to understand how this Judgment is of any assistance to the Applicant in the present case. Apart, insofar as jurisdiction of MAT is concerned, we are governed by the 'Rules of 1988' as reproduced above, which clearly spells that in the first place, the jurisdiction lies with the Tribunal where the concerned Government servant is posted.

11. The learned Advocate for the Applicant further referred to interim order passed by this Tribunal at Mumbai in O.A.No.509 & 510 of 2016, dated 07.06.2016. I have gone through the order. In that matter, the Applicant in one of the O.A. was posted at Solapur which indisputably falls within the jurisdiction of this Principal Bench and another Applicant was posted at Nanded within the territorial jurisdiction of Aurangabad of this Tribunal. The Tribunal has granted interim relief considering the convenience of the litigants. The said order is interim order which does

not decide the issue of jurisdiction finally. Therefore, this interim order is also of no assistance to the Applicant.

12. In view of above, there is no escape from the conclusion that the Applicant has chosen wrong forum and this Tribunal at Mumbai has no jurisdiction to entertain the O.A. The O.A. is accordingly disposed of with liberty to the Applicant to approach appropriate forum. No order as to costs.

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

Mumbai

Date : 31.03.2021

Dictation taken by :

S.K. Wamanse.

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