

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.743 OF 2019**

Shri Jamir Akbar Lengarekar, )  
Age : 39 years, Working as Deputy )  
Commissioner, Panvel Municipal )  
Corporation, Dist. Raigad. )  
R/o. Flat No.903, Shri Ganeshkrupa )  
C.H.S. Ltd., Sector, New Panvel, )  
District : Raigad. )...**Applicant**

**Versus**

The State of Maharashtra. )  
Through Principal Secretary, )  
Urban Development Department, )  
Having office at Mantralaya, )  
Mumbai – 400 032. )...**Respondent**

**Shri Arvind V. Bandiwadekar, learned Advocate for Applicant.**

**Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondent.**

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

**DATE : 21.07.2020**

**JUDGMENT**

1. The Applicant has challenged the transfer order dated 24.07.2019 contending that it is in contravention 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). At the time of impugned transfer order, the Applicant was serving as Deputy Commissioner, Panvel Municipal Corporation and was

transferred as Chief Officer Municipal Council, Chalisgaon, District Jalgaon.

2. This Tribunal has granted interim relief in terms of prayer clause 10(a) on 31.07.2019. In view of stay to transfer order, the Applicant continued on the same post.

3. Today, learned C.P.O. Ms. S.P. Manchekar submits that the Applicant has already completed normal tenure of three years, and therefore, now he is due for transfer. She submits that because of stay in favour of Applicant, the Applicant is not transferred in general transfer of 2020. She further submits that Government intends to withdraw the impugned transfer order dated 24.07.2019 and then to transfer the Applicant availing the provisions of 'Transfer Act 2005'.

4. Learned Advocate Shri A.V. Bandiwadekar fairly concedes that the applicant has completed three years tenure at Panvel.

5. In view of the above, learned C.P.O. Ms. S.P. Manchekar seeks permission to withdraw the transfer order dated 24.07.2019 in view of interim relief in favour of the Applicant.

6. Respondent is permitted to withdraw transfer order dated 24.07.2019 and after withdrawal, the Respondent is at liberty to invoke the provisions of 'Transfer Act, 2005' to transfer him from Panvel in accordance to law.

7. In view of the above, Original Application is disposed of with no order as to costs.

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

