

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO. 903 OF 2015**

**DISTRICT :PUNE**

Smt. Namita Shivaji Bhalerao )  
age-28 years, )  
residing at Wafgaonkar Apartment, )  
3<sup>rd</sup> floor, Wada Road, Rajgurunagar, )  
Taluka Rajgurunagar, District-Pune )  
Address for service of notice )  
Same as above )...**Applicant**

**VERSUS**

1. State of Maharashtra )  
Through Chief Secretary, )  
Mantralaya, Mumbai - 400 032. )
  
2. The Principal Secretary, )  
Women and Child Development )  
Department, Mantralaya, )  
Mumbai - 400 032. )
  
3. Commissioner, )  
Women and Child Welfare, )  
Maharashtra State, 28, )  
Queens Garden, Near Old Circuit )  
House, Pune-411 001. )

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4. Chief Executive Officer, )  
 Satara Zilla Parishad )  
 Yashwantrao Chavan Bhavan, )  
 Wellesley Road, Camp, Zilla Parishad )  
 Pune- 411 001. )  
 Address for service of notice )  
 Same as above )....**Respondents**

Smt. Punam Mahajan, learned Advocate for the Applicant.

Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

**CORAM : Shri Rajiv Agarwal, Vice-Chairman**

**DATE : 07.01. 2016**

**ORDER**

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. This Original Application has been filed by the Applicant challenging the order dated 23.10.2015, transferring her from the post of Child Development Project Officer (Rural), Narayangaon Dist. Pune to the post of Superintendent, Government Kasturba Women's Hostel, Chembur, Mumbai.

3. Learned Counsel for the Applicant argued that the Applicant has not completed her tenure of 3 years, when she was transferred to Mumbai, which is 230 kms from Narayangaon. The Applicant was on maternity leave and had rejoined only in August, 2015. She has been transferred in October, 2015. Learned Counsel for the Applicant argued that the Applicant's husband has recently been transferred to Pune and she, in turn, is transferred to Mumbai. The case of the Applicant was not put up before the Civil Services Board, giving all the facts in proper prospective. Learned Counsel for the Applicant stated that one member of the Civil Services Board was not present in the meeting. The Applicant had submitted a representation to place her case for reconsideration before the Civil Services Board, which has not been considered. Learned Counsel for the Applicant contended that the impugned order may be quashed and set aside, as the purported ground of the Applicant's transfer that Hon'ble Bombay High Court had ordered filling up posts of Women's hostels by Women Officers is quite old and there are other officials, who are similarly placed but have not been transferred.

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the transfer order of the Applicant has been issued on the recommendations of the Civil Services Board and in full compliance with the provision of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (the Transfer Act). The reason for mid

tenure and mid term order of transfer was the directions issued by Hon'ble Bombay High Court to appoint Women Officers as Superintendents in various Women's Hostel, Girls Hostels etc. These directions were issued in P.I.L. No.28 of 2014 on 20.11.2014. It was found that 17 posts of Women Superintendent were vacant in the State. 8 posts are proposed to be filled by promotion and remaining 9 posts by transfer. The proposal was placed before the Civil Services Board in its meeting held on 5.8.2015 and the Applicant was transferred by the impugned order with the approval of Hon'ble Chief Minister as required under Section 4(4) (ii) and 4(5) of the Transfer Act. Learned P.O. argued that the transfer order of the Applicant meets all legal requirements. Mere absence of one member from the meeting of the Civil Services Board will not invalidate its proceedings.

5. It is seen that the Applicant's transfer order has been issued with the approval of Hon'ble Chief Minister as required under Section 4(4) (ii) and 4(5) of the Transfer Act for mid term and mid tenure transfers. The Transfer has been done with the approval of the Civil Services Board. I agree with the contention of the learned P.O. that mere absence of one member of the Board will not invalidate its proceedings. The Applicant claims that she has been transferred from Narayangaon, Pune to Mumbai which is at a distance of 230 km. It is claimed that it is a very large distance and the Civil Services Board has decided not to transfer Smt. R.A. Narwadkar from Ajra, Dist. Kolhapur to Baramati, Dist. Pune due to the large distance involved.

Similarly in case of Smt. G.G. Girgaonkar, was not transferred from Hadgaon, Dist. Nanded to Ulhasnagar, Dist. Thane. It is not possible for this Tribunal to scrutinise the reasons given by the Civil Services Board with a fine tooth comb. It appears that in the cases mentioned by the Applicant, distances involved were greater than in the case of the Applicant. In any case, any transfer will require dislocation. However, if the directions of Hon'ble Bombay High Court are to be implemented, the whole process may cause inconvenience to some of the persons involved. The impugned order does not suffer from any legal lacuna. I am not inclined to interfere in this matter.

6. Having regard to the aforesaid facts and circumstances of the case, this O.A. is dismissed with no order as to costs.

Sd/-

**(RAJIV AGARWAL)**  
**(VICE-CHAIRMAN)**

**Date : 07.01.2016**

**Place : Mumbai**

**Dictation taken by : SBA**

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