

THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL, MUMBAI

ORIGINAL APPLICATION NO.906 OF 2015

DISTRICT: MUMBAI

Pravin Vaman Shirdhankar)
 Maintenance Surveyor,)
 O/o City Survey Officer,)
 Goregaon,)
 Mumbai 400 104) ... **Applicant**

Versus

1. The Settlement Commissioner and)
 Director of Land Record, M.S.,)
 Administrative Building, 2nd floor,)
 Old Council Hall, Pune 1)
2. The Deputy Director, Land Record,)
 Konkan Division, Mumbai)
 1st floor, Old Custom House,)
 S.B. Marg, Fort, Mumbai 400 023)
3. The District Superintendent of Land Record,)
 Collector Office Compound, Thane (W) 601)
4. The City Survey Officer, BEST Officers Quarters,)
 M.S.D., at Goregaon, Mumbai 400 104)**Respondents**

Shri M.S. Topkar, the learned Advocate holding for Shri A.R. Joshi, the learned Advocate for the Applicant.

Shri K.B. Bhise, the learned Presenting Officer for the Respondents.

CORAM : JUSTICE SHRI M.N. GILANI, MEMBER (J)

DATE : 19.01.2016.

J U D G M E N T

1. Applicant is Group-C employee working on the establishment of Respondent No.2. On 21.10.2015 he has been transferred from Goregoan office to Thane Office. On the ground that there has been violation of provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred as Transfer Act), this O.A. has been filed.

2. Defense set up by the Respondents No.2 and 3 is that, the order impugned is in fact not the order of transfer. By way of temporary arrangement, the services of the applicant are attached to District Superintendent of Land Records, Thane. Contents of paragraph 12 of the reply are extracted below :-

“12. With reference to para no.6(H), I say and submit that contention in this Para are not correct. The applicant is posted only for 2 months to get it work done as per order after the applicant will be relived as per order. Impugned order is temporary arrangement for administrative work, order is not transfer order and hence this Temporary arrangement for administrative work order was not applicable to the transfer Act, 2005. The period of deputation of applicant was from dated 26/10/2015 to 31/12/2015 i.e. for the period of 2 months if some employees in the Deputation of Vanhakka Dave Mojni are not join on duty or someone are not do work to give him as per target to complete target the period of Work of Vanhakka Dave Mojni want to extension Hence I denied this para.”

3. Learned P.O. Shri K.B. Bhise has placed on record the order dated 21.12.2005 passed by the Deputy Director, Land Records, Konkan Division, Mumbai, whereby, the deputation period of the applicant has been extended till 31.01.2016. Obviously, this period will come to end just within two weeks. In

that view of the matter there appears no need to delve deep into the merits of the case. It will suffice to observe that there shall be no further extension of the period of deputation.

4. In the event and having regard to administrative exigencies if the Respondents consider it necessary to transfer the applicant at any other place they are at liberty to do, however, after complying with the provisions of Transfer Act. With these observations, the O.A. is disposed of, however, ^{with} a _✓ direction that there shall be no more extension of period of deputation beyond 31.01.2016. No order as to costs.

Sd/-
(M.N. Gilani J,)
Member (J)

prk