

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 468/2023 (S.B.)

Ramesh Vishwanath Bagde,
Aged about 56 & half years,
Occ. Service, R/o Flat No. 102,
Vidhi Palace, Plot No. 28 to 30,
Siddeshwar Nagar,
Dighori, Nagpur.

Applicant.

Versus

- 1) State of Maharashtra,
Department of Planning,
through its Additional Chief Secretary,
Mantralaya, Mumbai-32.
- 2) Directorate of Economic and Statistics,
Regional office, Nagpur,
Through its Joint Director,
Old Secretariat Building,
Opposite G.P.O.,
Nagpur & Ors..
- 3) Smt. Swati R. Masarkar,
Aged about 53 years,
Occ. Service, Address : District Planning Committee,
Collector Office, Bhandara.
- 4) Datta R. Bawne,
Aged about 57 years,
Occ. Service,
Address : Planning Section,
Commissioner Officer, Old Secretariat Building,
Opposite G.P.O., Nagpur.

Respondents

Shri S.O.Ahmed, Id. Advocate for the applicant.

Shri S.A.Sainis, Id. P.O. for the Respondents.

None for the R-3 & 4.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated :- 19.07.2023.

JUDGEMENT

Heard Shri S.O.Ahmed, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents. None for the R-3 & 4.

2. The case of the applicant in short is as under. The applicant was transferred to Nagpur from Gondia in the year 2015. Thereafter he was transferred to Nagpur (Divisional Commissioner Office) in the year 2018. The applicant has worked there for about 4 years, 6 months and 17 days. By the impugned transfer order the applicant is transferred from Nagpur to Bhandara. It is the contention of the applicant that senior persons at the station mainly Datta R. Bawne & Amrut Borkar who were working since 6 years, 5 months and 30 days and 4 years, 11 months and 27 days respectively are not transferred. The applicant has worked for about 4 years, 8 months and 6 days but he is transferred. It is the contention of the applicant that to show favour to Datta R. Bawne & Amrut Borkar the applicant is transferred to Bhandara. There he prayed to quash and set aside impugned transfer order.

3. The O.A. is strongly opposed by the respondents. It is submitted that the transfer of the applicant is made as per the recommendation of Civil Services Board. It is submitted that Yogeshwar

Nannaware is transferred from Gadchiroli to Nagpur. The applicant is already relieved and, therefore, transfer order cannot be stayed.

4. During the course of submission Id. Counsel for the applicant has made a statement that S.A.Deshmukh who is transferred from Mumbai to Nagpur is not yet joined to Nagpur in place of the applicant. The transfer order is nothing but to show the favour to Shri Datta R. Bawne & Amrut Borkar. Therefore, impugned transfer order is liable to be quashed and set aside. Ld. P.O. pointed out the decision taken by Civil Services Board. The transfer of the applicant is shown on administrative ground.

5. General rule of transfer is that who is senior at the station shall be transferred first and junior is to be retained. Datta R. Bawne & Amrut Borkar are working since last 6 years, 5 months and 30 days and 4 years, 11 months and 27 days respectively whereas the applicant has worked at Nagpur since last 4 years 8 months and 6 days. Therefore, it appears from the chart (P. 82) that applicant is junior (at station) at Nagpur whereas seniors namely Datta R. Bawne & Amrut Borkar are not transferred. No any reason given by the Civil Service Board. Near about in all the transfer it is mentioned that transfers are made on administrative ground only in some cases reasons are shown as request. It appears that respondents have shown favouritism to Datta R. Bawne

& Amrut Borkar. Therefore, impugned transfer order is liable to be quashed and set aside. Hence, the order:-

- A. O.A. is allowed.
- B. Impugned transfer order dated 12.05.2023 in respect of applicant only is hereby quashed and set aside.
- C. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 19/07/2023.
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 19/07/2023.
and pronounced on

Uploaded on : 20/07/2023.