

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 1011/2022(S.B.)

Harish Suresh Bhamre,
Aged about 44 years,
Presently posted as Assistant Commissioner,
(Land Reforms),
Commissioner Office, Nagpur.

Applicant.

Versus

1. State of Maharashtra,
through its Secretary,
Revenue & Forest Department,
Mumbai -32.
2. The Divisional Commissioner,
Office of Divisional Commissioner,
Nagpur.

Respondents

Shri N.R.Saboo, Ld. counsel for the applicant.
Shri M.I.Khan, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 17th February 2023.

JUDGMENT

Heard Shri N.R.Saboo, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the Respondents.

1. The case of the applicant in short is as under-
Learned counsel for the applicant has filed pursis dated 10.02.2023. It is marked Exhibit-X for identification. As per order dated 10.10.2022 status-quo order was passed.
2. As per the submission of learned counsel for the applicant, the applicant was transferred from Nagpur to Gondiya, as per order dated 06.10.2022. As per the provisions of Section 4(5) of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Government Duties Act, 2005 (Transfer Act).It is a mid-term transfer and it is against the provisions of the Act.
3. Learned counsel for the applicant submits that the applicant has made a representation dated 09.02.2023 for consideration of transfer in the coming General Transfer of 20.04.2023.
4. Heard learned P.O. Shri M.I.Khan. He has filed reply of respondent no.1. Learned P.O. has pointed out para 3 of the reply and he has submitted that the transfer of the applicant though, mid-term but it was made as per the recommendation of Civil Service Board and

therefore, it is a legal transfer and not against the provisions of the transfer Act. Learned P.O. has submitted that the respondents have complied the provisions of Section 4(4) and 4(5) of transfer Act and therefore, the O.A. is liable to be dismissed.

5. Learned counsel for the applicant has submitted that the applicant's representation may be considered in the coming General Transfer Order. Learned counsel for the applicant has submitted that son of the applicant is prosecuting his education at Nagpur. It is a mid-term transfer and therefore till the General transfer stay/status-quo granted by this Tribunal be continued.
6. There is no dispute that the applicant's transfer order is stayed (status-quo) by this Tribunal. It is a mid-term transfer order though it is not illegal but the transfer generally is to be made in the month of April, May of this year. Hence, the following order.

ORDER

1. The O.A. is partly allowed.
2. The status-quo order dated 10.10.2022 is continued till the General transfer of the months of April, May 2023.

3. Respondents are directed to consider the representation of the applicant dated 09.02.2023 according to law in the coming General Transfer Order.
4. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 17/02/2023

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

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 17/02/2023.