

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 445/2020 (S.B.)**

Gajanana Sadashio Gutthe,  
Aged about 45 years,  
R/o Sevadas Colony, Umarched, Dist. Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai.
- 2) Conservator of Forest (Territorial),  
Yavatmal.
- 3) Range Forest Officer, Umarched.
- 4) B.B. Nagargoje, Office of RFO, Korta,  
Dist. Yavatmal.
- 5) Pravin Manohar Rajurwade,  
Office of RFO, Kali, Dist. Yavatmal.

**Respondents.**

---

**Shri N.R. Saboo, Smt. K.N. Saboo, Advocates for the applicant.**  
**Shri S.A. Sainis, P.O. for respondent nos.1 to 3**  
**None for other respondents.**

---

**WITH**  
**ORIGINAL APPLICATION No. 446/2020 (S.B.)**

Nareshchandra Waman Maske,  
Aged about 28 years,  
R/o Jidhewar Layout, Pandharkawda,  
Dist. Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai.

- 2) Conservator of Forest (Territorial),  
Yavatmal.
- 3) Range Forest Officer, Pandharkawda  
Dist. Yavatmal.

**Respondents.**

---

**Shri N.R. Saboo, Smt. K.N. Saboo, Advocates for the applicant.  
Shri S.A. Sainis, P.O. for respondents.**

---

**WITH**

**ORIGINAL APPLICATION No. 447/2020 (S.B.)**

Kishtanna Narshimlu Pullenwar,  
Aged about 52 years,  
R/o Mukutban, Tq. Zari,  
Dist. Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai.
- 2) Conservator of Forest (Territorial),  
Vanbhavan, Admn. Bldg. Chaurch Road,  
Yavatmal-445 001.
- 3) Range Forest Officer,  
Jamni, Dist. Yavatmal.
- 4) Arvind Subhash Jamkar,  
Office of Range Forest Officer, Tipeswar,  
Dist. Yavatmal.

**Respondents.**

---

**Shri N.R. Saboo, Smt. K.N. Saboo, Advocates for the applicant.  
Shri S.A. Sainis, P.O. for respondent nos.1 to 3.  
None for other respondents.**

---

**WITH**

**ORIGINAL APPLICATION No. 448/2020 (S.B.)**

Suresh Padmakar Ambekar,  
Aged about 49 years,  
R/o Nakhegaon, Tq. Darvha,  
Dist. Yavatmal.

**Applicant.****Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai.
- 2) Conservator of Forest (Territorial),  
Vanbhavan, Admn. Bldg. Chaurch Road,  
Yavatmal-445 001.
- 3) Range Forest Officer,  
Pandharkawada, Dist. Yavatmal.
- 4) Ku. Sapna Dilip Wankhade,  
Umari Wakhar, Pandharkawad Division,  
Umari, Dist. Yavatmal.

**Respondents.**


---

**Shri N.R. Saboo, Smt. K.N. Saboo, Advocates for the applicant.**  
**Shri S.A. Sainis, P.O. for respondent nos.1 to 3.**  
**None for other respondents.**

---

**WITH****ORIGINAL APPLICATION No. 449/2020 (S.B.)**

Nitin Shrirasa Bijwar,  
Aged about 38 years,  
R/o Chapanwadi, Weekly Market  
Near Hanuman Temple, Yavatmal.

**Applicant.****Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai.

- 2) Conservator of Forest (Territorial),  
Vanbhavan, Admn. Bldg. Chaurch Road,  
Yavatmal-445 001.
- 3) Range Forest Officer,  
Ner, Dist. Yavatmal.
- 4) Manish Sudhakar Taiwade,  
Forest Guard, Pusad Division, Pusad,  
Yavatmal.

**Respondents.**

---

**Shri N.R. Saboo, Smt. K.N. Saboo, Advocates for the applicant.  
Shri S.A. Sainis, P.O. for respondent nos.1 to 3.  
None for other respondents.**

---

**WITH**

**ORIGINAL APPLICATION No. 450/2020 (S.B.)**

Virendrakumar Vijay Yelme,  
Aged about 36 years,  
R/o Sakritola, Post Satgaon,  
Tq. Salekasa, Dist. Gondia.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai.
- 2) Dy. Conservator of Forest  
Vanbhavan, T.B. Toli, Gondia
- 3) Range Forest Officer,  
North Deori, Tq. Deori, Dist. Gondia.
- 4) D.B. Turkar,  
Central Plant Nursery, Office of Range Forest Officer,  
Goregaon, Dist. Gondia.

**Respondents.**

---

**Shri N.R. Saboo, Smt. K.N. Saboo, Advocates for the applicant.  
Shri S.A. Sainis, P.O. for respondent nos.1 to 3.  
None for other respondents.**

---

**With**

**ORIGINAL APPLICATION No. 451/2020 (S.B.)**

Prashant Vitthalrao Sonule,  
Aged about 35 years, R/o Vishnu Nagar,  
Pandharkawada, Dist. Yavatmal.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Department of Revenue and Forest,  
Mantralaya, Mumbai.
- 2) Conservator of Forest (Territorial),  
Vanbhavan, Admn. Bldg. Chaurch Road,  
Yavatmal-445 001.
- 3) Range Forest Officer,  
Pandharkawada, Dist. Yavatmal.

**Respondents.**

---

**Shri N.R. Saboo, Smt. K.N. Saboo, Advocates for the applicant.  
Shri S.A. Sainis, P.O. for respondents.**

---

**Coram :- Hon'ble Shri Anand Karanjkar,  
Member (J).**

---

**Date of Reserving for Judgment : 16<sup>th</sup> October, 2020**

**Date of Pronouncement of Judgment : 19<sup>th</sup> October, 2020**

**JUDGMENT**

**(Delivered on this 19<sup>th</sup> day of October, 2020)**

Heard Shri N.R. Saboo, Id. counsel for the applicants, Shri S.A. Sainis, Id. P.O. and other Id. P.Os. for R-1 to 3 and none for other respondents.

2. All the applicants are challenging legality of the transfer order dated 7/8/2020. The facts of the case are that earlier all the applicants were transferred vide transfer order dated 31/8/2019. The O.A.Nos,700,701,703,704,705,706,718,719,720 and so on were filed by the applicants for quashing the order dated 31/8/2019. Those matters were heard by the Bench on 30/7/2020 and after hearing the parties the Bench came to the conclusion that the transfer orders were mid-term transfer orders and there was no justification for the mid-term transfers. It was also noticed by the Bench that there was no evidence of administrative exigency for the mid-term transfers and as there was non compliance of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005") those O.As. were allowed and the impugned transfer order dated 31/8/2019 was quashed.

3. When the above mentioned O.A.s were decided sbmission was made by the Id. P.O. that the liberty be given to the respondents to issue fresh transfer orders and the respondents would consider the

representations made by the applicants. This request of the Id. P.O. was accepted and specific direction was given to the respondents that they were at liberty to issue the transfer orders in terms of the Govt. G.R. dated 7/7/2020 after considering the representations made by the applicant.

4. In the present matter it is contention of the applicants that without considering their representations, they are transferred by the respondent no.2 and therefore the impugned orders of transfers are illegal. It is contended that the respondent no.2 was bound to take into consideration, the representations made by the applicants and the respondent nos.2&3 were bound to place those representations before the Civil Services Board for consideration but it was not done, therefore, there is violation of law.

5. The respondent nos.2&3 have filed their reply in all the cases and have justified the orders of transfer. In para-5 the respondents have contended that this Tribunal did not direct to give posting to the applicants as per their representations. It is also mentioned in the reply that there was Meeting of the Civil Services Board on 28/7/2020 and the applicants alleged representations were received lateron. During course of the argument my attention was invited to the Minutes of the Civil Services Board meetings which were held on 28/7/2020 and 31/7/2020. After reading this, it seems

that there is no reference of the representations made by the applicants.

6. It is a fact that specific direction was given to the respondents to consider the representations made by the applicants before issuing transfer orders and it is a fact that the respondent no.2 did not at all consider the representations made by the applicants and issued the transfer orders on 7/8/2020. It is pertinent to note that the respondent no.2 was party to the earlier proceeding and the respondent no.2 was very much aware that consideration of the representations made by the applicants was a must condition and it was necessary to consider the representations before issuing the transfer orders. In the present matters it is crystal clear that in spite of this knowledge the respondent no.2 straight way issued the transfer orders disregarding the earlier specific order and therefore I am of the view that the order dated 7/8/2020 issuing transfer orders without consideration of the representations made by the applicants is in fact contemptuous order. Here, I would like to point that the respondent no.2 had sufficient time to take into consideration the representations made by the applicants received on 31-7-2020 before 7/8/2013. The respondent no.2 could have arranged the meeting of the Civil Services Board and could have placed representation before before the Civil Services Board for the consideration, but it was not done. In these



circumstances, I am compelled to say that the respondent no.2 cannot say that the order passed in the O.A. earlier on 30/7/2020 was substantially complied by him.

7. The learned counsel for the applicants has placed reliance on the G.R. dated 9/4/2018. In this G.R. specific directions were issued by the State Government regarding conciliation before issuing the transfer orders and after reading these guidelines, it seems that it was duty of the Competent Authority and Civil Services Board to consider the personal difficulties of the Government servant and try to accommodate the Government servant, if possible. In the present matters, it seems that without applying the mind to the representations made by the applicants, the respondent no.2 straight way in violation of the earlier order issued by this Bench, issued the transfer orders. In case of **T.S.R. Subramanian and ors. Vs. Union of India & Ors. (2013) 15 SCC 732**, specific directions were given regarding the functioning of the Civil Services Board and approval of the Civil Services Board. In this regard, it must be mentioned that the right given to the Government servant to make a representation and put their grievances before the competent authority before the transfer is not empty formality. No doubt, the Government is not bound to give desired posting to every Government servant, but equally it is true that the Government is bound to consider the representation made by the

Government servant and apply mind to it and if possible try to give solace to the Government servant. In the present matters, the approach of the respondent no.2 was mechanical. The respondent no.2 in spite of specific knowledge of the directions given by this Bench avoided to consider the representations made by the applicants, therefore, I am compelled to say that the impugned orders of transfers so far as the applicants are concerned are illegal and they are required to be quashed. Hence, the following order –

### **ORDER**

All the O.As. are allowed. The impugned transfer orders dated 7/8/2020 to the extent of the applicants are set aside. The respondent no.2 is directed to post the applicants on the same post on which they was functioning before their transfers. This order be complied within two weeks. No order as to costs.

**Dated** :- 19/10/2020.

\*dnk..

**(Anand Karanjkar)**  
**Member (J).**

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 19/10/2020.  
and pronounced on

Uploaded on : 21/10/2020..

\*