

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO. 646/2012.**

Deepak Kesharao Dwidmuthe,  
Aged about 57 years,  
Occ- Service,  
R/o Risod,  
Tq.Risod, Distt. Washim.

**Applicant.**

**-Versus-**

1. The State of Maharashtra  
Through its Secretary,  
Department of Water Resources,  
Mantralaya, Mumbai-32.
2. The Executive Engineer,  
Minor Irrigation Division No.3,  
Washim.
3. Vijaykumar Shalikram Burde,  
Sub-Divisional Officer,  
Aged about Major,  
Minor Irrigation (Local Sector)  
Sub-Division, Morshi,  
Distt. Amravati.

**Respondents.**

**ORIGINAL APPLICATION NO. 475/2012.**

Deepak Kesharao Dwidmuthe,  
Aged about 57 years,  
Occ- Service,  
R/o Risod,  
Tq.Risod, Distt. Washim.

**Applicant.**

**-Versus-**

1. The State of Maharashtra  
Through its Secretary,  
Department of Water Resources,  
Mantralaya, Mumbai-32.
2. The Executive Engineer,  
Minor Irrigation Division No.3,  
Washim.

**Respondents.**


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Shri S.P. Dhole, Learned Advocate for the applicant.  
Shri A.P. Sadavarte, P.O. for the respondent No. 1.  
Shri P.V. Thakre, learned counsel for respondent No.2.  
None for respondent No.3.

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**Coram:- The Hon'ble Shri Justice A.P.Deshpande,**  
**Vice-Chairman**

**Dated:- 4<sup>th</sup> January 2013.**

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**Common order in both the O.As.**

Heard Shri S.P. Dhole, the learned Counsel for the applicant, Shri A.P. Sadavarte, the learned P.O. for the respondent No. 1 and Shri P.V. Thakre, the learned counsel for respondent No.2. None appears for respondent No.3.

2. The applicant is holding the post of Sub-Divisional Officer, Minor Irrigation (Construction) Sub-Division No.2 at Risod, District Washim. By an order of transfer dated 31<sup>st</sup> May 2012, the applicant came to be

transferred from Risod to Gondia and aggrieved thereby, the O.A.No.475/2012 came to be filed challenging the order of transfer. The learned Counsel for the applicant had candidly admitted when the said O.A. was heard for grant of interim relief, that the applicant has completed the normal tenure of three years at Risod. However, it was submitted that the applicant's health condition was not good, as he had undergone the procedure of Angioplasty on 15.5.2012 at Wolkheart Hospital, Nagpur. It was also contended that the applicant is due for retirement on attaining the age of superannuation in the month of February, 2013. Taking into consideration the health condition of the applicant, so also the fact that the applicant was due for retirement within few months time, the Tribunal granted interim stay <sup>of</sup> ~~to~~ the order of transfer. During the continuance of the interim order of stay of transfer, another order of transfer came to be issued whereby the applicant was sought to be transferred from Risod to Washim and

aggrieved thereby the O.A.No.646/2012 came to be filed on the ground that during the operation of the order of stay, without seeking prior permission of the Tribunal, the second order of transfer has been issued. The Tribunal also stayed the next order of transfer which is dated 19.7.2012. An affidavit in reply has not been filed in O.A.No.475/2012 whereas an affidavit in reply has been filed in O.A. No. 646/2012, justifying the second order of transfer issued without seeking permission of the Tribunal, by submitting that the applicant had made a request for the said transfer through some political leader and hence the second order was issued. I need not enter into the merit of the matter for the obvious reason that the applicant is due for retirement in the month of February 2013 i.e.in the next month. In my considered view, cause of justice would advance by quashing the transfer order as the applicant is due for retirement next month. In the result, the O.As are allowed and disposed of. The impugned orders of transfer

are quashed and set aside, however, with no order as to costs.

sd/-

(Justice A.P.Deshpande)  
Vice-Chairman

Pdg