

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 398 OF 2017
(Subject – Transfer)**

DISTRICT: NANDURBAR

Shri Devendra S/o Dinanath Joshi,)
Age: 53 years, Occu. : Service,)
R/o 23, Shantinagar, Nandurbar,)
Dist. Nandurbar.)

.. **APPLICANT**

V E R S U S

- 1) **The State of Maharashtra,**)
Through its Deputy Secretary,)
Water Resources Department,)
Mantralaya, Mumbai- 32.)
- 2) **The Chief Engineer,**)
Tapi Irrigation Development)
Corporation, Jalgaon.)
- 3) **The Superintending Engineer,**)
Dhule Irrigation Project Circle,)
Dhule Dist. Dhule.)

.. **RESPONDENTS**

APPEARANCE : Shri P.D. Bachate, learned Advocate for the
Applicant.

: Shri M.P. Gude, learned Presenting Officer for
the Respondents.

CORAM : JUSTICE M.T. JOSHI, VICE CHAIRMAN.

DATE : 26.02.2018.

ORAL - ORDER

1. Heard Shri P.D. Bachate, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for respondents.

2. The present applicant is challenging his transfer vide order dated 21.06.2017 from the post of Executive Engineer, Nandurbar Medium Project Division, Nandurbar to Executive Engineer, Designs Division, Power House No. 3, Central Designs Organization, Nashik. Admittedly, the said transfer order is mid-term and mid-tenure. The general statement regarding transfers is filed on record. At page No. 94 at Sr. No. 41 the name of the applicant is shown and against his name it was stated that the present applicant was not due for transfer. However, there was certain letter/complaint from one Hon'ble Member of Parliament and the same ultimately resulted in to passing of the impugned order of transfer.

3. Learned Advocate for the applicant submits that as per rules, an employee should work at least for a period of three years on executive post to consider him/her for further promotion. During the service tenure, he was mostly posted by the concerned respondent to nonexecutive post. Posting at Nandurbar was the only post wherein he was posted on executive post. The impugned order of transfer however is to nonexecutive post. He

was due for promotion and this would deprive him for promotion, in case the transfer is implemented.

4. The interim relief was already granted against the impugned order of transfer on 27.06.2017.

5. Learned Presenting Officer submits that in view of the administrative exigency, the present applicant was transferred mid-term.

6. Considering all the facts on record and finding that there was no exceptional ground made out by the respondents and on the contrary, the statement regarding general transfer is speaking otherwise, in my view, the impugned transfer order cannot be said to be upheld.

7. In the result, the Original Application is allowed without any order as to costs. The impugned transfer order dated 21.06.2017 qua the applicant is hereby quashed and set aside.

VICE CHAIRMAN

PLACE : AURANGABAD.

DATE : 26.02.2018.

KPB S.B. O.A. No. 398 of 2017 MTJ Transfer