

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.467/2018

DISTRICT: - JALNA

1. Shri Dilip s/o Tulshiram Bagule,
Age : 47 years, Occu. : Service,
(as Deputy Superintendent of
Land Records, Bhokardan),
R/o : C/o Mr. Dadarao Vithoba Dalvi,
Kailas Nagar, Behind Panchayat Samiti,
New Bhokardan, Dist. Jalna.

...APPLICANT

V E R S U S

1) The State of Maharashtra,
Through its Secretary,
Revenue Department,
M.S., Mantralaya, Mumbai - 32.

2) The Settlement Commissioner &
Director of Land Records,
M.S., Pune.

3) The Deputy Director of Land Records-
Attached to settlement Commissioner
(General) Pune.

4) The Deputy Director,
Land Record, Aurangabad.

...RESPONDENTS

APPEARANCE : Shri A.S.Deshmukh, Advocate for the
Applicant.

: Shri S.K.Shirse, Presenting Officer for the
respondents.

CORAM : Justice M.T. Joshi, Vice-Chairman

DATE : 1st December, 2018

O R A L O R D E R
(Delivered on 1st December, 2018)

1. Heard Shri A.S.Deshmukh learned Advocate for the Applicant and Shri S.K.Shirse learned Presenting Officer for the respondents.

2. By the present application, applicants are claiming following reliefs:

“12. (A) This Original Application may kindly be allowed thereby quashing and setting aside the impugned order of transfer of the applicant dtd. 31.05.2018 (Annex. A-4) issued by Resp. No.3.”

3. The challenge to the impugned transfer order is that it is issued by the respondent no.3 the Deputy Director of Land Records, Pune and not by the respondent no.2 Director and the Settlement Commissioner & Director of Land Records, Pune which is the delegated authority. Government Resolution dated 28-06-2016 (Exhibit R-1, page 61) would show that the authority is delegated from the Hon'ble Minister to the respondent no.2. The impugned transfer order (Annexure A-4, Page 50) is apparently issued by the respondent no.3 the Deputy Director of Land

Records, Pune, however, order itself would show that the same is issued after sanctioning of the same by the respondent no.2 Settlement Commissioner & Director of Land Records, Pune.

4. It is clear from the record that in fact the respondent no.2 the Settlement Commissioner has taken decision in view of the proposal of the Civil Services Board and it has been merely communicated to the applicant by the respondent no.3 vide Annexure A-4, Page 50.

5. In the circumstances, there is no inherent flaw in the impugned order of transfer. O.A. is therefore dismissed without any order as to costs.

VICE CHAIRMAN

Place: Aurangabad
Date : 01-12-2018.

YUK SB 467.2018 DT. 01-12-2018 mtj vc