

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NOS. 319, 320, 321, 322, 323, 341  
& 342 ALL OF 2024**

**1. ORIGINAL APPLICATION NO. 319 OF 2024**

**DISTRICT : AHMEDNAGAR**

**Smt. Shital Sampatrao Shinde,** )  
Age : 37 years, Occu. : Service, )  
As Revenue Assistant, Tahsil Office, Rahata, )  
On Deputation working at Sub-Divisional )  
Officer, Shirdi, Taluka Rahata, Dist. Ahmednagar.)

.... **APPLICANT**

**V E R S U S**

**The Collector (Revenue),** )  
New Administrative Building, )  
Nagar Aurangabad Road, Ahmednagar, )  
Dist. Ahmednagar. (

... **RESPONDENT**

**W I T H**

**2. ORIGINAL APPLICATION NO. 320 OF 2024**

**DISTRICT : AHMEDNAGAR**

**Vaishali Ambadas Sonawane,** )  
Age : 44 years, Occu. : Service as Circle Officer,) )  
Tahsil Office, Rahuri, Tq. Rahuri, )  
District Ahmednagar. )

.... **APPLICANT**

**V E R S U S**

**The Collector (Revenue),** )  
New Administrative Building, )  
Nagar Aurangabad Road, Ahmednagar, )  
Dist. Ahmednagar. )

... **RESPONDENT**

**W I T H**

**3. ORIGINAL APPLICATION NO. 321 OF 2024****DISTRICT : AHMEDNAGAR**

**Varsha Harishchandra Kawanpure,** )  
 Age : 35 years, Occu. : Service as Talathi, )  
 Sajja Shingave, Taluka Rahata, Dist. Ahmednagar.)

.... **APPLICANT****VERSUS**

**The Collector (Revenue),** )  
 New Administrative Building, )  
 Nagar Aurangabad Road, Ahmednagar, )  
 Dist. Ahmednagar. )

... **RESPONDENT****WITH****4. ORIGINAL APPLICATION NO. 322 OF 2024****DISTRICT : AHMEDNAGAR**

**Kaveri Navnath Adik,** )  
 Age : 44 years, Occu. : Service as Circle Officer,) )  
 Sajja Puntamba, Tahsil Office, Rahata, )  
 Taluka Rahata, Dist. Ahmednagar. )

.... **APPLICANT****VERSUS**

**The Collector (Revenue),** )  
 New Administrative Building, )  
 Nagar Aurangabad Road, Ahmednagar, )  
 Dist. Ahmednagar. )

... **RESPONDENT****WITH****5. ORIGINAL APPLICATION NO. 323 OF 2024****DISTRICT : AHMEDNAGAR**

**Santosh Bhagwan Gholave,** )  
 Age : 47 years, Occu. : Service as Talathi, )  
 Sajja Dashmigavhan, Tahsil Office, Nagar, )  
 District Ahmednagar. )

.... **APPLICANT**

**VERSUS**

**The Collector (Revenue),** )  
 New Administrative Building, )  
 Nagar Aurangabad Road, Ahmednagar, )  
 Dist. Ahmednagar. )

... **RESPONDENT****WITH****6. ORIGINAL APPLICATION NO. 341 OF 2024****DISTRICT : AHMEDNAGAR**

1. **Harishchandra Bhausahbe Nagre,** )  
 Age : 43 Years, Occu. : Service as Talathi, )  
 Sajja Pategaon, Tq. Karjat, District Ahmednagar.)
2. **Kalicharan Ankush Makhare,** )  
 Age : 48 Years, Occu. : Service as Talathi, )  
 Sajja Jalalpur, Tq. Karjat, District Ahmednagar.)
3. **Majib Abdulrub Shaikh,** )  
 Age : 50 Years, Occu. : Service as Talathi, )  
 Sajja Halgaon, Tq. Jamkhed, District Ahmednagar.)

.... **APPLICANTS****VERSUS**

**The Collector (Revenue),** )  
 New Administrative Building, )  
 Nagar Aurangabad Road, Ahmednagar, )  
 Dist. Ahmednagar. )

... **RESPONDENT****WITH****7. ORIGINAL APPLICATION NO. 342 OF 2024****DISTRICT : AHMEDNAGAR**

1. **Prashant Dadabhau Sonawane,** )  
 Age : 38 Years, Occu. : Service as Awwal Karkoon,) )  
 Tahsil Officer, Parner, Tq. Parner, )  
 District Ahmednagar. )
2. **Pankaj Bhikaji Jagdale,** )  
 Age : 42 Years, Occu. : Service as Circle Officer,) )  
 Takli Dhokeshwar, Tq. Parner, District Ahmednagar.)

3. **Amol Balasaheb Mandlik,** )  
Age : 35 Years, Occu. : Service as Circle Officer,) )  
Supa, Tq. Parner, District Ahmednagar. )
4. **Swapnil Subhash Gore,** )  
Age : 35 Years, Occu. : Service as Talathi, )  
Sajja Parner, Tq. Parner, District Ahmednagar.)
5. **Machindra Ramdas Unde,** )  
Age : 39 Years, Occu. : Service as Talathi, )  
Sajja Takli Dhokeshwar, Tq. Parner, )  
District Ahmednagar. )

.... **APPLICANTS**

**V E R S U S**

**The Collector (Revenue),** )  
New Administrative Building, )  
Nagar Aurangabad Road, Ahmednagar, )  
Dist. Ahmednagar. (

... **RESPONDENT**

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**APPEARANCE** : Shri V.B. Wagh, Counsel for Applicants in all  
these O.As.

: Shri D.M. Hange, Presenting Officer for  
respondent authorities in all these O.As..

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**CORAM** : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**RESERVED ON** : **02.08.2024**

**PRONOUNCED ON** : **09.08.2024**  
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**C O M M O N - O R D E R**

1. Heard Shri V.B. Wagh, learned counsel appearing for  
the respective applicants in all these O.As. and Shri D.M. Hange,  
learned Presenting Officer appearing for respondent authorities  
in all these O.As.

2. The present Original Applications are disposed of finally with the consent of both the sides at the admission stage.

3. All these applicants were working in the Tahsil Office at Taluka places of Ahmednagar district came to be transferred in another Tahsil Offices of the same district and for identical set of facts, on the same cause of action and for the same relief they have filed the present Original Applications. Thus all these Original Applications are taken together for discussions and decided by this common order.

4. By filing the present Original Applications, the applicants are seeking quashing and setting aside individual orders of their transfer dated 15.03.2024 issued by the sole respondent, which are in violation of the G.R. dated 11.02.2015, transferring them as per the chart below :-

<b>Sr. No.</b>	<b>O.A. No.</b>	<b>Applicant/s Name</b>	<b>From</b>	<b>To</b>
1	319/2024	Smt. Shital Sampatrao Shinde	Revenue Assistant, Tahsil Office, Rahata, District Ahmednagar (on deputation in the office of Sub-Divisional Officer, Shirdi)	Revenue Assistant, Tahsil Office, Shevgaon, District Ahmednagar
2	320/2024	Vaishali Ambadas Sonawane	Circle Officer, Rahuri, Tq. Rahuri, District Ahmednagar	Circle Officer, Kharwandi Kasar, Taluka Pathardi, District Ahmednagar
3	321/2024	Varsha Harishchandra Kawanpure	Talathi, Sajja Rui, Taluka Rahat, District Ahmednagar (presently working at Sajja Shingve)	Talathi, Sajja Gavhanewadi, Taluka Shrigonda, District Ahmednagar

4	322/2024	Kaveri Navnath Adik	Circle Officer, Sajja Puntamba, Taluka Rahata, District Ahmednagar	Circle Officer, Sajja Adalgaon, Taluka Shrigonda, District Ahmednagar
5	323/2024	Santosh Bhagwan Gholave	Talathi, Sajja Dashmigavhan, Tahsil Office, Nagar, District Ahmednagar	Talathi, Sajja Hiwargaon Pathar, Taluka Sangamner, District Ahmednagar
6	341/2024	(i) Harishchandra Bhausahbe Nagre,	Talathi, Sajja Pategaon, Taluka Karjat, District Ahmednagar	Talathi, Sajja Chitalwadi, Taluka Pathardi, District Ahmednagar
		(ii) Kalicharan Ankush Makhare	Talathi, Sajja Jalalpur, Taluka Karjat, District Ahmednagar	Talathi, Sajja Shirsathwadi, Taluka Pathardi, District Ahmednagar
		(iii) Majib Abdulrub Shaikh	Talathi, Sajja Halgaon, Taluka Jamkhed, District Ahmednagar	Talathi, Sajja Sawargaontal, Taluka Sangamner, District Ahmednagar
7	342/2024	(i) Prashant Dadabhau Sonawane	Awwal Karkoon, Tahsil Office, Parner, Taluka Parner, District Ahmednagar	Awwal Karkoon, Godown Management Tahsil Office, Karjat, Taluka Karjat, District Ahmednagar
		(ii) Pankaj Bhikaji Jagdale	Circle Officer, Takli Dhokeshwar, Tahsil Office, Parner, Taluka Parner, District Ahmednagar	Awwal Karkoon, Revenue Branch, Ahmednagar, District Ahmednagar
		(iii) Amol Balasaheb Mandlik	Circle Officer, Supa, Taluka Parner, District Ahmednagar	Circle Officer, Sakirwadi, Taluka Akole, District Ahmednagar
		(iv) Swapnil Subhash Gore,	Talathi, Sajja Parner, Taluka Parner, District Ahmednagar	Talathi, Sajja Khandavi, Taluka Karjat, District Ahmednagar
		(v) Machindra Ramdas Unde,	Talathi, Sajja Takli Dhokeshwar, Taluka Parner, District Ahmednagar	Talathi, Sajja Paregaon Khurd, Taluka Sangamner, District Ahmednagar

4. Learned counsel for the applicants submits that this is a mass transfer without any just cause. The transfer orders

have been issued only on the basis of mere allegations against the applicants to the effect of questioning their conduct in the Tahsil Offices in responding to the public and further not obeying the orders, absence without leave etc. etc.

5. Learned counsel for the applicants submits that the impugned transfer orders are mid-term and mid-tenure. So far as the policy prescribed as contemplated under Section 4(4)(ii) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short “the Transfer Act 2005”) is concerned, the same has not been followed. Learned counsel submits that if at all respondent authorities wanted to transfer the applicants, then the transfer orders should have been issued on administrative grounds, but should not be stigmatic transfer orders, which carries a blot on service record of the applicants. It also lowers the image of the applicants in the society. Learned counsel submits that it has been stated in the impugned orders that the disciplinary proceedings will be initiated against the applicants by calling the proposals from the respective Tahsildars, where the applicants have been posted. Learned counsel submits that there is no provision to initiate the Departmental Enquiry later on. The respondent authorities have not conducted the

Departmental Enquiry so far, but issued the stigmatic transfer orders.

6. Learned counsel for the applicants submits that the applicants have facing various family problems and health issues of their family members.

7. Learned counsel for the applicant in order to substantiate his contention placed his reliance on following cases:-

- (i) Somesh Tiwari Vs. Union of India and Ors., reported in 2009 (2) SCC 592.
- (ii) W.P. No. 9781/2014 (State of Maharashtra and Ors. Vs. Dr. Padmashri Shriram Bainade & Ors.) decided on 17.12.2014.
- (iii) O.A. No. 433/2020 (Smt. Manjusha R. Kasane Vs. The District Collector, Thane & Anr.), decided on 10.02.2021.

Learned counsel for the applicants submits that in view of the ratio laid down by the various Courts including the Hon'ble Apex Court, the impugned orders are not sustainable in the eyes of law and the same are liable to be quashed and set aside.

8. Learned Presenting Officer on the basis of affidavit in reply filed on behalf of sole respondent submits that the sole respondent has effected the transfers of the applicants by strictly



adhering to the guidelines given in the Government Circular dated 11.05.2015 issued by the General Administration Department, Mumbai and in terms of the provisions of the Transfer Act, 2005.

9. Learned Presenting Officer submits that the concerned Tahsildars have submitted reports to the respondent authorities stating therein about the various complaints against each and every applicants including the complaints that the applicants do not attend the office in time, remained absent without prior permission and behavior to the citizens is not proper and thus requested to transfer the applicants from the present Taluka. Learned P.O. submits that the respondent authorities after taking into consideration the report submitted by the concerned Tahsildars, rightly transferred the applicants by passing impugned orders. Learned P.O. submits that respondent authorities have also sought prior approval of the immediate superior authority i.e. the Divisional Commissioner Nashik before effecting the transfers of the applicants, so also the Civil Services Board has recommended the transfers of the applicants. Thus, the respondent authorities have complied with all the relevant directions issued under various G.Rs./Circulars and also the provisions of the Transfer Act, 2005 while issuing

the transfer orders of the applicants. Learned Presenting Officer submits that there is no substance in the present Original Applications and the same are liable to be dismissed.

10. In reply, learned counsel for the applicants submits that the respondent authorities have never issued any show cause notice to the applicants at any point of time in respect of complaints, which referred in the transfer orders. This shows that for some political pressure, the transfers came to be effected. Learned counsel submits that so far as G.R. dated 11.02.2015 is concerned, it has been specifically stated in clause No. 8 that if some complaints are received, then the competent authority can take the decision to conduct the enquiry in respect of working on the said post, but the complaints should be of such a nature that the punishment will be amounting to termination, dismissal and removal from services, which said to be a serious punishment. The respondent authorities have not considered the same and effected the mass transfers.

11. Learned Presenting Officer has submitted a chart containing names of the applicants, posting before transfer, transfer post, tenure completed on earlier post and brief summary of complaints against each and every applicant. The same is reproduced herein below :-

Sr. No.	O.A. No.	Name of applicant	Posting before transfer	Transfer post	Tenure completed on earlier post	Complaints against applicant
1	319/2024	Smt. Shital Sampatrao Shinde	Revenue Assistant, Tahsil Office, Rahata	Revenue Assistant, Tahsil Office, Shevgaon	3 Years 7 Months	<p>1) The applicant do not attain the office on time, remains absent without prior permission.</p> <p>(2) The applicant's behavior towards the citizens/ applicants coming to the office is not proper and her administrative work is not satisfactory.</p>
2	320/2024	Smt. Vaishali Ambadas Sonawane	Circle Officer, Tahsil Office, Rahuri,	Circle Officer, Kharwandi Kasar, Tahsil Office, Pathardi	3 Years 7 Months	<p>(1) The applicant have not efficiently completed the work related with "E-Ferfar system", "E-Chawadi" and "E-Peek Pahani system" which are the public domain. Explanation has been called by the Tahsildar Rahuri vide notice dated 24/03/2023 to the applicant in respect of irregularities in E-Ferfar system.</p> <p>(2) The applicant have not taken any efforts for recovery of the land revenue as only 22% of land revenue recovery done on 02/02/2024. In respect of preventing illegal excavation and transportation of sand is also not satisfactory in Rahuri Circle</p> <p>(3) Due to the unbecoming behavior while discharging the official duties, the proposal for departmental enquiry under the provisions of M.C.S (Discipline and Appeal) Rules 1979 has been sent by Tahsildar Rahuri to this office vide letter dated 11/12/2023.</p>
3	321/2024	Smt. Varsha Harishchandra Kawanpure	Talathi, Sajja Rui, Tahsil Office, Rahat	Talathi, Gavhanewadi, Shrigonda,	3 Years 7 Months	<p>1) The applicant do not attain the office on time, remains absent without prior permission.</p> <p>(2) The applicant is not staying at the headquarter.</p> <p>(3) The applicant's behavior towards the citizens/applicants coming to the office is not proper and his administrative work is not satisfactory.</p>

4	322/ 202 4	Smt. Kaveri Navnath Adik	Circle Officer Puntamba, Tahsil Office, Rahata	Circle Officer Adhalgaon, Tahsil Office, Shrigonda	3 Years 7 Months	<p>(1) The applicant is remaining absent in the office without prior permission of Office Head.</p> <p>(2) The applicant is not remaining present in the headquarter.</p> <p>(3) The applicant is not behaving properly with the villagers /applicants coming to the office for their work.</p> <p>(4) The applicant is not resolving the doubts/queries of the villagers properly and therefore there is dissatisfaction in the villagers.</p> <p>(5) Even after repeated instructions the applicant has not improved her conduct and continued to be act negligently while discharging the duties as Circle Officer Puntamba.</p>
5	323/ 202 4	Shri Santosh Bhagwan Gholave	Talathi Dashmigavhan , Tahsil Office, Ahmednagar	Talathi Hiwargaon Pathar, Tahsil Office, Sangamner,	3 Years 7 Months	<p>(1) The applicant do not attain the office on time, remains absent without prior permission.</p> <p>(2) The applicant is not staying at the headquarter.</p> <p>(3) The applicant's behavior towards the citizens/ applicants coming to the office is not proper and his administrative work is not satisfactory.</p>
6	341/ 202 4	(i) Shri Harishchandra Bhausahbe Nagre,	Talathi Pategaon, Tahsil Office, Karjat	Talathi Chitalwadi, Tahsil Office, Pathardi,	2 Years 7 Months	<p>(1) The applicant have not efficiently completed the work related with "e-hakk system" and "e-peek pahani system" which are the public domain, even after giving repeated instructions.</p> <p>(2) The applicant has not taken any efforts for recovery of the land revenue and overall the work of the applicant is not satisfactory</p> <p>(3) The applicant while discharging the duties as Talathi on their respective posts have found to be negligent in completing the assigned work.</p>
		(ii) Shri Kalicharan Ankush Makhare	Talathi Jalapur, Tahsil Office, Karjat	Talathi Shirsathwadi , Tahsil Office, Pathardi	5 Years 8 Months	

		(iii) Shri Majib Abdulrub Shaikh	Talathi Halgaon, Tahsil Office, Jamkhed	Talathi Savargaontal, Tahsil Office, Sangamner	2 Years 7 Months	<p>(1) The conduct of applicant is very unbecoming and even after repeated instructions there is no progress in the conduct of applicant.</p> <p>(2) It is also transpired that the applicant used to speak in arrogant language and in rude manner with the peoples who come with their official work in Talathi Office.</p> <p>(3) It is also found that the applicant has remained absent in the meetings and without approving prior approval use to enjoy long leave.</p> <p>(4) The villagers/farmers of village Halgaon have also submitted complaint application with Tahsildar Jamkhed regarding the misconduct of applicant and requested unanimously to transfer the applicant from the post of Talahti Halgaon Tal.Jamkhed</p> <p>(5) Even after repeated instructions the applicant has not improve his conduct and continued to be act negligently while discharging the duties.</p>
7	342/2024	(i) Shri Prashant Dadabhau Sonawane	Awwal Karkoon (SGY), Tahsil Office, Parner,	Godown Management Gr-2, Tahsil Office, Karjat	11 Months	(1) While holding additional charge of Supply Inspector, the applicant has not carried out the inspection of Fare Price Shops as per the target prescribed by the State Government.
		(ii) Shri Pankaj Bhikaji Jagdale	Circle Officer, Takli Dhokeshwar, Tahsil Office, Parner	Awwal Karkoon, Revenue Branch, Collector Office, Ahmednagar	3 Years 7 Months	<p>(1) The applicant has not disposed off the mutation entries within stipulated time.</p> <p>(2) Slack supervision of crop cultivation &amp; E-Chawadi which resulted into poor performance</p>
		(iii) Shri Amol Balasaheb Mandlik	Circle Officer, Supa, Tahsil Office, Parner	Circle Officer, Sakirwadi, Tahsil Office, Akole	2 Years 8 Months	(3) Unsatisfactory work in respect of government recovery.
		(iv) Shri Swapnil Subhash Gore,	Talathi Parner, Tahsil Office, Parner	Talathi Khandavi, Tahsil Office, Karjat	2 Years 6 Months	(1) The applicant has not taken the mutation entries within stipulated time.
		(v) Shri Machindra Ramdas Unde,	Talathi Takli Dhokeshwar, Tahsil Office, Parner	Talathi Paregaon Kh, Tahsil Office, Sangamner	2 Years 6 Months	<p>(2) Poor performance in crop cultivation and E-Chawadi work.</p> <p>(3) Unsatisfactory work in respect of government recovery.</p>

12. On careful perusal of the Government Resolution dated 11.02.2015, particularly clause No. 8, it has been directed that any complaint/s is/are received against the employee, merely on the basis of said complaints such an officer /employee should not be transferred, but the competent authority shall verify the allegations made in the said complaint/s and considering the seriousness of those allegation either to initiate Departmental Enquiry by keeping the said employee there only or if the competent authority found it necessary to transfer such officer/ employee, then the same can be done after prior approval of the immediate superior transferring authority.

13. In the instant cases, on perusal of the minutes of meeting dated 16.02.2024 of the Civil Services Board in this regard, the Civil Services Board has given reference to the reports submitted by the concerned Tahsildars and further considering the seriousness of the same, recommended the transfers. I have also carefully perused the reported submitted by the concerned Tahasildars in connection with all these applicants. It has been specifically observed in the report submitted by the Tahsildars that because of the conduct of the employees in the Tahsil Offices, there is possibility of malign the image of the Tahsildars in society. There is summary of complaints and allegations made

therein. It has been also specifically mentioned that though the oral understating is given to the concerned employees, there is no improvement. It is has been specifically stated in the said report that there will be outbreak of public outcry, if the applicants are continued at the place where they are working presently and accordingly, recommended the transfers in any other place.

14. In a case of **Somesh Tiwari Vs. Union of India and Ors.**, reported in **2009 (2) SCC 592**, relied upon by the applicant, in para Nos. 19 and 20, the Hon'ble Supreme Court had made the following observations :-

*“19. Indisputably an order of transfer is an administrative order. There cannot be any doubt whatsoever that transfer, which is ordinarily an incident of service should not be interfered with, save in cases where inter alia mala fide on the part of the authority is proved. Mala fide is of two kinds - one malice in fact and the second malice in law.*

*20. The order in question would attract the principle of malice in law as it was not based on any factor germane for passing an order of transfer and based on an irrelevant ground i.e. on the allegations made against the appellant in the anonymous complaint. It is one thing to say that the employer is entitled to pass an order of transfer in administrative exigencies but it is another thing to say that the order of transfer is passed by way of or in lieu of punishment. When an order of transfer is passed in lieu of punishment, the same is liable to be set aside being wholly illegal.”*

In the instant cases, however after verifying the contents of the complaints and his / her questionable behavior

towards the citizens coming to the Tahsil Office for redressal of their grievance and considering the outbreak of public outcry in the near future, the transfers have been proposed. I do not think that this is passed in lieu of punishment. It is difficult for the administration to keep those employees at place of their present posting for smooth administration.

15. In a case of **State of Maharashtra and Ors. Vs. Dr. (Ms.) Padmashri Shriram Bainade & Ors in W.P. No. 9781/2014** by judgment and order dated 17.12.2014, the Division Bench of the Hon'ble High Court at Mumbai in para No. 6 (relevant supporting reasons para Nos. 35, 36 & 38) has made the following observations :-

*"35 In the result it has to be concluded that the grounds of misconduct when used as grounds for transfer, those result in a summary action which is a sort of punitive action taken in summary way. The aspect of punitiveness may get the secondary status would such lightening action, be justified, on the grounds that the transfer could safeguard the larger public interest, public safety, public order and any other similar exigency.*

*36 It is not shown by the respondents as to how the alleged misconduct of the applicant was so grave that instead of following routine legitimate course of taking disciplinary action and initiation of disciplinary proceedings against applicant, as to how or for what "special reasons" continuation of the applicant on the same post would be so gravely prejudicial to the public interest, that said need would constitute "special reasons" or extraordinary circumstances".*

*38 Thus, it is evident that the version contained in the proposal for transfer i.e. letter dated 16.08.2014 alone is the factual foundation of "special reasons" or exceptional circumstances. Acts*



*of dis-obedience picked up in a short duration, which do not prove and pose any emergency to public interest, cannot and do not ipso facto constitute factual material to answer and justify the stipulation of "special reasons" or "exceptional circumstances" either."*

In the instant case, most of the applicants have completed the tenure of more than three years at the present place of working prior to their impugned transfers.

16. In a case of **Smt. Manjusha R. Kasane Vs. The District Collector, Thane & Anr. in O.A. No. 433/2020**, the Principal Seat of this Tribunal at Mumbai by judgment and order dated 10.02.2021 in para No. 13 has made the following observations :-

*"13. Since the Applicant has not completed the normal tenure and she was required to be transferred on complaints, in that situation, it was permissible to do so only with the approval of next preceding competent transferring authority, as mandated in Section 4(5) of 'Transfer Act 2005', which is completely missing. As per Section 6 of 'Transfer Act 2005', for Group 'C' employee, the Head of the Department is competent transferring authority. Whereas, in terms of Section 4(5) read with Section 6, for mid-tenure transfer, it requires prior approval of next preceding competent transferring authority which would be Minister Incharge in consultation with Secretaries of the Department Departments as per Table below Section 6 of 'Transfer Act 2005'. There is nothing to show that the powers of competent transferring authority are delegated to some other authority and it has given approval for such mid-tenure transfer. In other words, the impugned transfer order is in blatant violation of Section 4(5) of 'Transfer Act 2005'."*

In the instant case, however, the respondent authorities have obtained the prior approval of the next competent

transferring authority as mandated in Section 4(5) of the Transfer Act, 2005.

17. In view of the discussions as above, I find no substance in the present Original Applications and the same are liable to be dismissed. Hence, the following order :-

**ORDER**

- (i) O.A. No. 319/2024 (Shital Sampatrao Shinde Vs. The Collector (Revenue), Ahmednagar), O.A. No. 320/2024 (Vaishali Aambadas Sonawane Vs. The Collector (Revenue), Ahmednagar), O.A. No. 321/2024 (Varsha Harischandra Kawanpure Vs. The Collector (Revenue), Ahmednagar), O.A. No. 322/2024 (Kaveri Navnath Adik Vs. The Collector (Revenue), Ahmednagar), O.A. No. 323/2024 (Santosh Bhagwan Gholave Vs. The Collector (Revenue), Ahmednagar), O.A. No. 341/2024 (Harishchandra Bhausahab Nangre & 2 Ors. Vs. The Collector (Revenue), Ahmednagar) and O.A. No. 342/2024 (Prashant Dadabhau Sonawane & 4 Ors. Vs. The Collector (Revenue), Ahmednagar), are hereby dismissed.
- (ii) Status quo granted earlier stands vacated.
- (iii) In the circumstances, there shall be no order as to costs.
- (iv) Original Applications are accordingly disposed of.

**(Justice V.K. Jadhav)**  
**Member (J)**

18. At this juncture, learned counsel appearing for the applicants sought extension of interim relief for the period of two weeks.

19. In the circumstances and considering the reasons behind the transfers, the request is refused.

**PLACE : Aurangabad.**

**DATE : 09.08.2024**

**(Justice V.K. Jadhav)**

**Member (J)**

**KPB** S.B. O.A. No. 319/2024 & 6 Ors. VKJ Transfer