

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABA**

ORIGINAL APPLICATION NO. 465 OF 2019

DISTRICT: - AURANGABAD.

Shri Amol Vitthalrao Bondre,
Age : 31 years, Occu.: Service,
R/o. Flat No. 105, Prism Apartment,
Vinus Society Beed By Pass
Aurangabad.

.. APPLICANT.

V E R S U S

1. The Secretary,
(CADA) Water Resources Department,
Mantralaya, Mumbai – 32.

2. The Chief Engineer,
(Mech.) Water Resources Department,
Trimbak Road,
Nashik 422 002.

.. RESPONDENTS.

APPEARANCE : Shri D.R. Irale Patil, learned Advocate
for the applicant.

: Shri D.R. Patil, learned Presenting
Officer for the respondents.

CORAM : **JUSTICE A.H. JOSHI, CHAIRMAN.**

DATE : **27.6.2019.**

ORAL ORDER

1. Heard both sides.

2. In the present case challenge to transfer is on the ground
that it is mid-tenure. This aspect is admitted.

3. In the circumstances, as are obtaining, and in view of challenge, limited question which arises for consideration is : -

Whether mandatory requirements as laid down in Sec. 4(4) and 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short R.O.T. Act, 2005) is complied with by the respondents?

4. The aspect regarding compliance of sec. 4(4) and 4(5) of the R.O.T. Act is to be decided on the basis of record. Therefore, respondents were called upon to produce the concerned record.

5. The concerned record has been produced before the Tribunal. On perusal of record it reveals that : -

Only reason recorded as ground for transfer of the present applicants is “administrative reason”.

6. Admittedly, mentioning “administrative ground” or “administrative reasons” does not concur to or stand par with “special reasons and exceptional circumstances”.

7. The term administrative reasons would turn out to be adjective in absence facts confirming “special reasons” and “exceptional circumstances” are borne on record.

8. In the result, it is proved that “special reasons” and “exceptional circumstances” are not recorded before proposing impugned transfer.

9. Approving authority too has not recorded satisfaction which is mandatory under Section 4 (5) of ROT Act.
10. In the circumstances, the impugned transfer order, which is mid tenure is vitiated and is illegal.
11. Hence, the impugned transfer order dated 27.5.2019 to the extent of present applicant is quashed and set aside.
12. Parties are directed to bear their own costs.

(A.H. JOSHI)
CHAIRMAN

Place : Aurangabad
Date : 27.6.2019.