

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.725 OF 2023

DISTRICT : MUMBAI

Sub.:- Decide Applications

1. Shri Santoshkumar S. Sendre,)
Age : 34 Yrs, Occu.: Service as Lower)
Grade Stenographer, Goods & Service Tax)
Department, Mumbai and R/at C-13,)
Dairy Headquarter, Dr. Annie Besant)
Road, Worli, Mumbai – 400 018.)

2. Shri Rajkumar S. Punekar.)
Age : 33 Yrs, Occu.: Service as Lower)
Grade Stenographer, Goods & Service Tax)
Department, Mumbai and R/at Ambewadi,)
New Mumbai Darbar Hotel, Mazgaon,)
Mumbai – 400 010.)

)...Applicants

Versus

1. The State of Maharashtra.)
Through its Principal Secretary,)
General Administration Department,)
Madam Cama Road, Mantralaya,)
Mumbai – 400 032.)

2. The Commissioner.)
Goods & Service Tax Department,)
R/o. 7th Floor, New Building,)
Mazgaon, Mumbai – 400 010.)

3. The Special Commissioner of Goods)
& Service Tax Department,)
R/o. 3rd Floor, New Building,)
Mazgaon, Mumbai – 400 010.)

4. The Joint Commissioner of Goods)
& Service Tax Department, HQ4,)
R/o. 3rd Floor, New Building,)
Mazgaon, Mumbai – 400 010.)

)...Respondents

Smt. Punam Mahajan, Advocate for Applicants.

Shri A.J. Chougule, Presenting Officer for Respondents.

CORAM : Shri Debashish Chakrabarty, Member-A

DATE : 13.02.2025

JUDGMENT

1. The Applicants who were appointed respectively to posts of 'Lower Grade Stenographer' and 'Steno Typist' in establishment of 'Commissioner GST, Maharashtra State, Mumbai' have invoked provisions of 'Section 19' of 'The Administrative Tribunals Act 1985' to seek transfer on grounds of 'Personal Hardships' to 'Nanded District' or 'Chatrapati Sambhaji Nagar District'; based on provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' and 'Policy Guidelines' in GR dated 09.04.2018 of 'General Administration Department'.

2. The learned Advocate for Applicants stated that 'Old Parents' of both Applicants have serious 'Medical Conditions'. The 'Father' of Applicant No.1 suffers from 'Paralysis'; while 'Mother' of Applicant No.2 suffers from 'Immune Mediated Encephalitis, Facia-Dystonic Seizures'.

3. The learned Advocate for Applicants then cited precedence in case of Smt. Nisha Nagrale Lower Grade Stenographer who was also appointed in establishment of 'Commissioner GST, Maharashtra State,

Mumbai' like Applicants with similar restrictions on transfers out of 'Greater Mumbai' as per terms & conditions of 'GR' dated 30.10.2015 of 'General Administration Department'. However, Smt. Nisha Nagrale, Lower Grade Stenographer had been transferred by 'Order' dated 09.08.2017 of 'Commissioner GST Maharashtra State Mumbai' to office 'Additional Commissioner; GST; Nagpur' by invoking provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' read with 'Policy Guidelines' in 'GR' dated 03.04.2014 of 'Finance Department'.

4. The learned Advocate for Applicants further stated that Applicants had repeatedly submitted representations from 06.03.2019 onwards for request transfers to 'Nanded District' or Chatrapati Sambhaji Nagar District' but these were of no avail; even though during this period 'Commissioner GST, Maharashtra State, Mumbai' had issued 'Office Circular' dated 07.02.2023 calling for applications from employees seeking transfers along with directions to submit their requests before 24.03.2023.

5. The learned Advocate for Applicants then stated that in pursuance of this 'Office Circular' dated 07.02.2023 of "Commissioner GST, Maharashtra State, Mumbai"; the Applicants had also submitted their applications for request transfer to 'Nanded District' or Chatrapati Sambhaji Nagar District respectively on 01.03.2023 and 17.03.2023.

6. The learned Advocate for Applicants emphasized that 'Commissioner GST, Maharashtra State, Mumbai' subsequently issued another 'Office Circular' dated 09.05.2023 regarding periodic transfers of 'Personal Assistants, High Grade Stenographers, Lower Grade Stenographers and Steno Typist'. In this subsequent 'Office Circular' dated 09.05.2023; it was specifically directed that employees who had completed service of more than 3 Years or 6 Years in any one place should furnish information along with their preferences; for which format was separately sent to them by letter dated 12.05.2023. However as 'Commissioner GST, Maharashtra State, Mumbai' had not provided list of posts in 'Difficult Areas' which are necessary to include amongst '10 Options' as per 'GR' dated 09.04.2018 of 'General Administration Department'; therefore Applicants had submitted letters to 'Commissioner GST, Maharashtra State, Mumbai' requesting to provide them with list of posts in 'Difficult Areas'; but no response was received till 12.05.2023.

7. The learned Advocate for Applicants contended that request of Applicants to be transferred to 'Nanded District' or 'Chatrapati Sambhaji Nagar District' on grounds of 'Personal Hardships' arising out of serious 'Medical Conditions' of their 'Old Parents' should have been granted by 'Commissioner GST, Maharashtra State, Mumbai' based on 'Principles of Equity' and 'Principles of Parity' against backdrop of precedence in case of Smt. Nisha Nagrale, Lower Grade Stenographer; notwithstanding restrictions placed on their transfers to posts outside 'Greater Mumbai'

as per terms & conditions in 'GR' dated 30.10.2015 of General Administration Department and 'GR' dated 14.01.2016 of 'General Administration Department'.

8. The learned PO on other hand relied on Affidavit-in-Reply' dated 25.07.2023 filed on behalf of Respondent Nos. 1 to 4 to emphasize that appointment of Applicant No.1 to post of 'Lower Grade Stenographer' had been made as per terms and conditions in 'GR' dated 30.10.2015 of 'General Administration Department'. The 'Clause No.14' of this 'GR' dated 30.10.2015 of 'General Administration Department' included the following terms & conditions which had been accepted at time of initial appointment by Applicant No. 1:-

“निम्नश्रेणी लघुलेखकांची पदे ही मंत्रालयीन प्रशासकीय विभाग व बृहन्मुंबईतील विविध कार्यालयातील असल्याचे प्रस्तुत परीक्षेच्या जाहिरातीत स्पष्ट करण्यात आले होते. त्यामुळे उमेदवारांची अन्य जिल्ह्यामध्ये नियुक्ती / बदली देण्याची विनंती मान्य केली जाणार नाही व या संदर्भातील अर्जाची दखल घेतली जाणार नाही. तसेच, अन्य विभाग / कार्यालयात पुनर्वाटप करण्याबाबतच्या विनंतीचाही विचार करण्यात येणार नाही. उमेदवारांनी सदर नियुक्ती विहीत मुदतीत स्विकारणे आवश्यक असून या संदर्भात उमेदवारांच्या मुदतवाढीच्या विनंती अर्जाची दखल घेतली जाणार नाही वा याबाबतच्या पत्रव्यवहाराची पोचही या विभागाकडून दिली जाणार नाही.”

9. The learned PO again relied on Affidavit-in-Reply' filed on 25.07.2023 on behalf of Respondent Nos. 1 to 4 to emphasize that appointment of Applicant No. 2 to post of 'Steno- Typist' was also made on similar terms & conditions in 'GR' dated 14.01.2016 of 'General Administration Department'. The 'Clause No.14' of this 'GR' dated 14.01.2016 of 'General Administration Department' included the

following terms & conditions which had been accepted at time of initial appointment by Applicant No. 2:-

“लघुटंकलेखकांची पदे ही मंत्रालयीन प्रशासकीय प्रशासकीय विभाग व बृहन्मुंबईतील विविध कार्यालयातील असल्याचे प्रस्तुत परीक्षेच्या जाहिरातीत स्पष्ट करण्यात आले होते. त्यामुळे उमेदवारांची अन्य जिल्ह्यामध्ये नियुक्ती / बदली देण्याची विनंती मान्य केली जाणार नाही व या संदर्भातील अर्जाची दखल घेतली जाणार नाही. तसेच, अन्य विभाग / कार्यालयात पुनर्वाटप करण्याबाबतच्या विनंतीचाही विचार करण्यात येणार नाही. उमेदवारांनी सदर नियुक्ती विहीत मुदतीत स्विकारणे आवश्यक असून या संदर्भात उमेदवारांच्या मुदतवाढीच्या विनंती अर्जाची दखल घेतली जाणार नाही वा याबाबतच्या पत्रव्यवहाराची पोवही या विभागाकडून दिली जाणार नाही.”

The learned PO also clarified that Applicant No. 2 later came to be promoted on 10.02.2020 to post of ‘Lower Grade Stenographer’.

10. The learned PO emphasized that due to these specific terms and conditions in ‘Policy Guidelines’ prescribed by ‘GR’ dated 30.10.2015 of ‘General Administration Department’ and ‘GR’ dated 14.01.2016 of ‘General Administration Department’; requests made by Applicants who were initially appointed to cadres of ‘Lower Grade Stenographer’ and ‘Steno-Typist’ respectively could not be considered inspite of their cited ‘Personal Hardships’. The Applicants therefore cannot be transferred outside ‘Greater Mumbai’; although there are several other offices under ‘Commissioner GST, Maharashtra State, Mumbai’ which are situated outside ‘Greater Mumbai’.

11. The learned PO clarified that precedence in case of Smt. Nisha Nagrale ‘Lower Grade Stenographer’ who was transferred to office of ‘Additional Commissioner, GST, Nagpur’ cannot also be considered; as it was done under earlier ‘Policy Guidelines’ in ‘GR’ dated 03.06.2011 of ‘General Administration Department’; while cases of Applicants are now

required to be decided based on subsequent 'Policy Guidelines' under 'GR' dated 15.05.2019 of 'General Administration Department'.

12. The learned PO also explained that 'Order' dated 09.08.2017 of 'Commissioner, GST Maharashtra State Mumbai' by which Smt. Nisha Nagrale 'Lower Grade Stenographer' came to be transferred to office of 'Additional Commissioner, GST, Nagpur' was passed by invoking provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' and relying on 'Policy Guidelines' in 'GR' dated 03.04.2014 of 'Finance Department'.

13. The learned PO further clarified 'GR' dated 03.06.2011 of 'General Administration Department' which related to transfer of employees whose initial appointments were made to posts in 'Greater Mumbai' had been issued following several representations from individual employees and their unions; so as to enable sympathetic consideration of their requests for transfers outside 'Greater Mumbai' based on 'Personal Hardships'. However; this 'GR' dated 03.06.2011 of 'General Administration Department' was later superseded by 'GR' dated 15.05.2019 of 'General Administration Department', whereby transfers are now limited to only those employees who were initially appointed to posts outside 'Greater Mumbai'.

14. The learned PO submitted that 'Office Circular' dated 07.02.2023 had been issued 'Commissioner GST, Maharashtra State, Mumbai' to seek applications for request transfers from all employees serving in various other offices except those in 'Greater Mumbai'. The 'Office Circular' dated 07.02.2023 was issued for implementation of 'GR' dated 09.04.2018 of 'General Administration Department'. The 'GR' dated 09.04.2018 of 'General Administration Department' mentions nothing separately about how to effect transfers of employees who were initially appointed to posts in 'Greater Mumbai'. The 'Office Circular' dated 09.05.2023 issued by 'Commissioner GST, Maharashtra State, Mumbai' was therefore only for periodic transfers of employees including 'Personal Assistant, Higher Grade Steno, Lower Grade Steno and Steno Typist' who were not serving on posts in 'Greater Mumbai'. Hence; intent of 'Office Circular' dated 09.05.2023 issued by 'Commissioner GST, Maharashtra State, Mumbai' was required to be understood as being applicable in limited way to those employees serving on posts in 'Greater Mumbai' because even such employees upon completion of 'Normal Tenure' of 3 Years could also have sought transfers to posts within 'Greater Mumbai' as per provisions of 'Section 3 (1)' of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.

15. The learned PO emphasized that terms & conditions of initial appointments & subsequent promotions of Applicants were governed by respective 'Rules of Recruitment' of 'Steno Typist, Lower Grade

Stenographer, Higher Grade Stenographer and Personal Assistant'. She submitted that although 'Appointing Authority' for all employees in various cadres of Class-II (Non-Gazetted) and Class-3 was 'Commissioner GST, Maharashtra State, Mumbai' as per 'GR' dated 27.12.2017 of 'Finance Department'; yet in this context it is rather important to note that there are two distinct sets of 'Rules of Recruitment' for employees serving on posts of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant in establishment of 'Commissioner GST, Maharashtra State, Mumbai'. One set is 'Rules of Recruitment made for cadres of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant employed in Government Offices in Greater Mumbai District: 1997' and while other set is 'Rules of Recruitment made for the cadres of Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant employed in Government Offices in other than Greater Mumbai District: 1997'.

16. The learned PO admitted that it was true that there exists precedence in case of Smt. Nisha Nagrare, Lower Grade Stenographer who had been transferred to office of 'Additional Commissioner, GST, Nagpur' by 'Order' dated 09.08.2017 of 'Commissioner GST, Maharashtra State, Mumbai'. However; emphasized that this 'Order' dated 09.08.2017 of 'Commissioner GST, Maharashtra State, Mumbai' came to be issued based on then prevalent 'Policy Guidelines' in 'GR' dated 03.06.2011 of 'General Administration Department' but now these earlier 'Policy

Guidelines' stand superseded by 'GR' dated 15.05.2019 of 'General Administration Department'.

17. The learned PO further drew attention to contents of 'Short Affidavit' dated 19.04.2024 filed on behalf of 'Commissioner, GST, Maharashtra State, Mumbai' to highlight that major revenue collections accrue from 'Mumbai City District' and 'Mumbai Suburban District' which together constitute the geographical area of 'Greater Mumbai'. The sanctioned strength of 'Lower Grade Stenographers' for all establishments under 'Commissioner, GST, Maharashtra State, Mumbai' had been fixed as 57 posts by 'GR' dated 03.04.2014 of Finance Departments which includes posts in 'Greater Mumbai'. Out of total sanctioned strength of 57 posts of 'Lower Grade Stenographers'; the sanctioned strength of 'Lower Grade Stenographers' only for Greater Mumbai' has been fixed as 36 posts. However; working strength of 'Lower Grade Stenographers' in 'Greater Mumbai' at present is just 7, primarily because new recruitment of employees in cadres of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant' have been delayed due to 'Covid-19 Pandemic' not only in respect of 36 posts of 'Lower Grade Stenographers' for 'Greater Mumbai' but for all offices under 'Commissioner, GST, Maharashtra State, Mumbai'.

18. The learned PO further submitted that notwithstanding these administrative problems arising from large number of vacancies out of

total 57 posts of 'Lower Grade Stenographer'; in all there are 9 employees who have submitted applications to request for transfers out of 'Greater Mumbai' including Applicants. Hence, there were another 7 employees working as 'Lower Grade Stenographer' who have also submitted request applications to seek transfers out of 'Greater Mumbai'. Out of these; request for transfers of 5 employees are also sought on grounds of serious 'Medical Condition'; similar to those cited by Applicants. However, the requests of these 7 employees who are also 'Lower Grade Stenographer' were not considered by 'Commissioner, GST, Maharashtra State, Mumbai' and they have been retained to serve in 'Greater Mumbai'. Meanwhile; some of these 7 employees who were then serving on posts of 'Lower Grade Stenographers' have also been promoted to cadre of 'Higher Grade Stenographer'. Therefore, if request of Applicant were to be considered, then in all fairness even requests made by other 7 employees then serving as 'Lower Grade Stenographers' and subsequently promoted to posts of 'Higher Grade Stenographer' will also have to be considered once again by 'Commissioner, GST, Maharashtra State, Mumbai'. The sanctioned strength of 'Higher Grade Stenographer' for entire establishment of 'Commissioner, GST, Maharashtra State, Mumbai' has been fixed as 35 posts by 'GR' dated 03.04.2014 of 'Finance Department'. Although as per this 'GR' dated 15.03.2024 of 'Finance Department' sanctioned strength of 'Higher Grade Stenographer' which was fixed as 35 posts has remained unchanged; yet 15 posts of 'Higher Grade Stenographer' out of 35 posts are assigned to 'Maharashtra Sales Tax Tribunal'. The 15 posts assigned to 'Maharashtra Sales Tax

Tribunal' have also to be filled out of 35 posts of 'Higher Grade Stenographer' sanctioned for entire establishment of 'Commissioner, GST, Maharashtra State, Mumbai'. Further, out of sanctioned strength of 35 posts of 'Higher Grade Stenographer,' the present working strength in 'Greater Mumbai' is just 13 who are thus required to serve not only in 'Head Office' of 'Commissioner GST Maharashtra State Mumbai' but some have been assigned to serve in 'Maharashtra State Tax Tribunal'. The process of new recruitment to fill large number of vacancies of 'Lower Grade Stenographer' & 'Higher Grade Stenographer' cadre is still underway; so if request of such 'Lower Grade Stenographers' and 'Higher Grade Stenographer' are required to be reconsidered alongwith those of 'Applicants'; then their working strength would stand reduced to critical levels in 'Greater Mumbai'.

19. The learned PO during course of hearing submitted the status report of 'Sanctioned Posts' and 'Filled up Posts' of 'Higher Grade Stenographer'; Lower Grade Stenographers' and 'Steno Typist' with bifurcation of respective quotas for 'Nominations' and 'Promotion' which is reproduced below for contextual clarity :-

1. H.G.S मध्ये एकूण मंजूर पदे 35 असून त्यापैकी सरळसेवेचे 18 पदे मंजूर असून कार्यरत 2 आहेत तसेच पदोन्नतीमध्ये मंजूर पदे 17 असून कार्यरत 11 आहे.
2. L.G.S मध्ये एकूण मंजूर पदे 36 असून त्यापैकी सरळसेवेचे 18 पदे मंजूर असून कार्यरत 3 आहेत तसेच पदोन्नतीमध्ये मंजूर पदे 18 असून कार्यरत 4 आहे.
3. STENO STYPIST मध्ये एकूण मंजूर पदे 23 असून त्यापैकी सरळसेवेचे 18 पदे मंजूर असून कार्यरत 3 आहेत तसेच पदोन्नतीमध्ये मंजूर पदे 5 असून कार्यरत 0 आहे.

20. The learned PO further based on 'Affidavit-in-Sur-Rejoinder' dated 25.09.2023 filed on behalf of Respondent Nos.2 to 4; re-emphasized that 'GR' dated 15.05.2019 of 'General Administration Department' does not at all allow consideration of request made by Applicants for transfers outside 'Greater Mumbai'. Further, 'GR' dated 09.04.2018 of 'General Administration Department' also mentions nothing separately about how transfers of such 'Government Servants' are to be carried out if they had been initially appointed to serve in 'Greater Mumbai'.

21. The Applicants who are 'Lower Grade Stenographers' are undoubtedly governed by 'Recruitment Rules made for cadres of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant employed in Government Offices in Greater Mumbai District : 1997' and therefore constitute separate cadre from those who also serve under same establishment of 'Commissioner, GST, Maharashtra State, Mumbai' but outside 'Greater Mumbai' but are governed by 'Recruitment Rules made for cadres of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant employed in Government Offices in other than Greater Mumbai District 1997'.

22. The differentiation of these two equivalent cadres of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant under same establishment of 'Commissioner GST Maharashtra State Mumbai' is based on carved out geographical area of 'Greater

Mumbai' on account of 'Policy Guidelines' in 'GR' dated 30.10.2015 of 'General Administration Department' applicable to Applicant No.1 and 'GR' dated 14.01.2016 of 'General Administration Department' applicable to Applicant No.2. Hence, for both Applicant No.1 and Applicant No.2 the words 'Post' as defined under 'Section 2(g)' and 'Transfer' as defined under 'Section 2(1)' of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005' would mean 'Post' which exists in 'Greater Mumbai' and limited 'Transfers' that can be done within geographical area of 'Greater Mumbai'; somewhat identical to nature of restrictions naturally applicable to those 'Government Servants' who are appointed in 'Secretarial Services' defined under 'Section 2(g)' of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.

23. The Applicants who are 'Lower Grade Stenographers' do see some 'Glimmer of Hope' in precedences created by cases of (a) Smt. Nisha Nagarale Lower Grade Stenographer who was transferred by 'Commissioner GST, Maharashtra State, Mumbai' to office of 'Additional Commissioner, GST, Nagpur' on 09.08.2017 and (b) Shri L.A. More, 'Higher Grade Stenographer' who was also transferred to office of 'Joint Commissioner, GST, Nashik' on 09.08.2017 by relying on 'Policy Guidelines' in 'GR' dated 03.04.2014 of 'Finance Department' and provisions of 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'.

24. The disclosures made by 'Affidavit-in-Reply' dated 25.07.2023 and 'Short Affidavit' dated 19.04.2024 filed on behalf 'Commissioner GST, Maharashtra State, Mumbai' also highlights the imperativeness to urgently deal with serious 'Administrative Exigency' which has arisen on account of unusually large number of 'Vacant Posts' of 'Lower Grade Stenographer' and 'Higher Grade Stenographer' in 'Greater Mumbai'. No concerted efforts seem to have been made by 'Commissioner GST Maharashtra State Mumbai' during past several years and even after 'Covid-19 Pandemic' to bridge this yawning gap between 'Sanctioned Posts' and 'Filled up Posts' especially in 'Greater Mumbai' by undertaking new recruitment of employees through 'MPSC' or even by adopting temporary measures to engage 'Lower Grade Stenographers' and 'Higher Grade Stenographers' on 'Contract Basis' through 'Third Party' options based on extant 'Policy Guidelines' of 'General Administration Department' and 'Finance Department'; so as to also help reduce the strain & stress endured by handful of employees like Applicants who are serving in 'Greater Mumbai' both in 'Head Office' of 'Commissioner GST Maharashtra State Mumbai' but also with 'Maharashtra Sales Tax Tribunal'.

25. The 'Commissioner GST, Maharashtra State, Mumbai' naturally would be expected to act with alacrity in this regard; but nonetheless will require about 3 months' time for temporary remediation of present levels of this 'Administrative Exigency'. However, at same time, it would be necessary to emphasize that 'Commissioner GST Maharashtra State

Mumbai' cannot continue to turn 'Nelsons Eye' to 'Personal Hardships' faced by employees like Applicants. The 'Commissioner GST, Maharashtra State, Mumbai' therefore has to take some action to enable redressal of grievances of employees like Applicants. So, after moratorium period of 3 Months which has to be provided to 'Commissioner GST, Maharashtra State, Mumbai' to put in place alternative arrangements including to temporarily engage required number of 'Lower Grade Stenographers' and 'Higher Grade Stenographers' on 'Contract Basis' through option of 'Third Party' based on extant policy of 'General Administration Department' and 'Finance Department', it would be necessary to give sympathetic consideration thereafter to long standing requests of Applicant for transfers outside 'Greater Mumbai' based on 'Personal Hardships'; the essence of which stands incorporated in 'GR' dated 09.04.2018 of 'General Administration Department'.

26. The 'Commissioner GST, Maharashtra State, Mumbai' is accordingly directed to consider sending Applicants who are governed by 'Recruitment Rules made for cadres of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant employed in Government Offices in Greater Mumbai District: 1997' on deputation to equivalent posts which are governed by 'Recruitment Rules' made for cadres of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant employed in Government Offices in other than Greater Mumbai District :1997'.

27. The cases of Applicant makes it imperative to pertinently observe that 'Recruitment Rules' made for cadres of 'Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant employed in Government Offices in Greater Mumbai District 1997' has resulted in creation of an 'Islelike Cadres' of employees initially appointed in 'Greater Mumbai' whose service conditions are almost identical to those governed by 'Rules of Recruitment' made for the cadres of Steno Typist, Lower Grade Stenographer, Higher Grade Stenographer and Personal Assistant employed in Government Offices in other than Greater Mumbai District 1997'; thus completely restricting their entitlement to be transferred outside 'Greater Mumbai'; although there exists no such provisions in 'Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005'. No pathways thus exist at present for such employees serving in these 'Islelike Cadres' in 'Greater Mumbai'; even when unforeseen eventualities result in severe 'Personal Hardships'. So as to enable them to move to analogous cadre under any other establishments of State Government. The administrative interspace between such analogous cadres is not so large that it cannot be abridged; if 'Commissioner GST Mumbai' were to provide an option for such employees to seek fixed tenures outside 'Greater Mumbai' in genuine cases of 'Personal Hardships' by permitting limited number of these employees to go either on 'Deputation Posts' or 'Foreign Service' requiring them return back to serve again in 'Greater Mumbai'.

28. The 'Commissioner GST, Maharashtra State, Mumbai' within next 3 Months to obligatarily put in place alternative arrangements which will not only mitigate serious 'Administrative Exigency' arisen on account of large number of 'Vacant Posts' of 'Lower Grade Stenographers' & 'Higher Grade Stenographer' in 'Greater Mumbai'; but will provide opportunity to Applicant No.1 and Applicant No.2 to atleast be able to serve on 'Deputation Posts' or go on 'Foreign Service' in 'Nanded District' or 'Chatrapati Sambhaji Nagar District'. Hence, the following Order.

ORDER

- (A) The OA No.725 of 2023 is 'Partly Allowed'.
- (B) The Applicant No.1 and Applicant No. 2 if they desire to join on 'Deputation Posts' or go on 'Foreign Service' to any borrowing establishment under State Government in 'Nanded District' or 'Chatrapati Sambhaji Nagar District' or elsewhere must seek necessary permission within period of 'One Month' from 'Commissioner GST Maharashtra State Mumbai'. Thereafter; if the borrowing establishment were to give consent; then Applicant No.1 and Applicant No.2 should be permitted to join within 'One Month' thereafter by 'Commissioner GST, Maharashtra State, Mumbai'.
- (C) No Order as to Costs.

Sd/-
(DEBASHISH CHAKRABARTY)
Member-A

Mumbai
Date : 13.02.2025
Dictation taken by :
S.K. Wamanse.

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