

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI

ORIGINAL APPLICATION NO.521 OF 2016

DISTRICT : SOLAPUR

Shri Subhash Vasudeo Pandhare.)
Age : 52, Working as Entertainment)
Inspector and residing at)
Post : Somraynagar-Mohol, Tal. Mohol,)
District : Solapur.)...**Applicant**

Versus

1. The Collector.)
Collector Office Solapur,)
Siddheshwar Peth, Solapur 413 001.)
2. Tahasildar.)
District Entertainment Tax Officer,)
Entertainment Tax Branch,)
Collector Office Solapur,)
Siddheshwar Peth, Solapur 413 001.)
3. Shri V.M. Mudake.)
Circle Officer, Maindargi,)
Tahasil Akkalkot, Dist : Solapur.)...**Respondents**

Mrs. Punam Mahajan, Advocate for Applicant.

Shri K.B. Bhise, Presenting Officer for Respondents.



P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 12.01.2017

JUDGMENT

1. The Applicant, an Entertainment Inspector has hardly been entertained because he has been slapped with an order of mid-tenure transfer from Solapur to Huljanti, Taluka Mangalvedha, District : Solapur. One Shri V.M. Mudake from Akkalkot would have succeeded him there. The impugned orders are at Annexures "A-3" and "A-4" respectively (Pages 14 & 15 of the Paper Book (PB)).
2. I have perused the record and proceedings and heard Mrs. Punam Mahajan, the learned Advocate for the Applicant and Mr. K.B. Bhise, the learned Presenting Officer for the Respondents.
3. Admittedly, the post which the Applicant holds and from which he has been transferred is a Group 'C' post. The normal tenure for the said post is six years while in this case, he came to be transferred in three years or thereabout. The explanation or an apology thereof sought to be given by the Respondents in Para 8 of the Affidavit-in-reply is that he would have become due for transfer on 30.9.2016 but to avoid mid-term transfer, he was slapped



with the impugned order. Mrs. Mahajan, in my view, is right in contending that, in order to avoid a mid-term transfer, a mid-tenure transfer has been made. Be it as it may, there is an interim order made by the Hon'ble Chairman in this matter on 14.6.2016. Para 10 thereof goes to suggest that, according to the Applicant, he has been transferred before the expiry of six years tenure while those who have put in even 9 to 16 years, have been left untouched. In Para 12, it was observed that no reasons had been recorded by the Respondents while effecting the transfer in question. It must, therefore, follow that the impugned transfer is in contravention of the provisions of "the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005" (Transfer Act). The position has not improved after the impugned order, but if anything, it has deteriorated. There is absolutely nothing on record to show as to how obviously an unsupportable action could be supported and finally in **OA 428/2015 (Shri Schin Rajaram Khandekar Vs. The Collector, solapur, dated 23rd June, 2015)**, the Hon'ble Chairman in dealing with what Mrs. Mahajan mentions as a colleague of the Applicant shot down the transfer order therein impugned. The present facts are on all fours, and therefore, despite



stiff opposition by the learned PO, I do not think there is any other go but to go along with that OA.

4. The orders herein impugned are quashed and set aside. The interim orders are confirmed and the Respondents are directed to allow the Applicant to continue to function as Entertainment Tax Inspector till such time as he by law and rules becomes liable to be transferred. The Original Application is allowed in these terms with no order as to costs.

Sd/-
(R.B. Malik)
Member-J
12.01.2017

Mumbai
Date : 12.01.2017
Dictation taken by :
S.K. Wamanse.