

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.508/2024(S.B.)**

Shridhar Bhanudas Kamble,  
Aged about 53 years,  
Occupation – Service,  
R/o. Dr. Ambedkar Nagar,  
Near Buddha Vihar, Dharampeth,  
Nagpur- 440 010.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Principal Secretary,  
Rural Development and Panchayat Raj  
Department, Govt. of Maharashtra,  
7<sup>th</sup> Floor, Bandhkam Bhawan, Fort,  
Mumbai- 400 021.
2. The Secretary,  
PMGSY Rural Development Department,  
Govt. of Maharashtra, Bhandkham Bhawan,  
Fort, Mumbai- 400 021.
3. The Chief Engineer,  
PMGSY Poona, Annasaheb Magar Building,  
2<sup>nd</sup> Floor, Gultekdi Market Yard,  
Gate No.2, Poona-411 037.

4. Superintendent Engineer, PMGSYH,  
MRRDA. Nagpur, P.W.D. Division,  
Civil Lines, Nagpur.
5. Executive Engineer, PMGSY.,  
MRRDA, Sarpanch Bhawan  
Akashwani Square, Civil Lines, Nagpur.

**Respondents.**

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Shri A.A.Bangde, Ld. Counsel for the applicant.  
Shri A.P.Potnis, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri M.A.Lovekar, Member (J).**

**Dated: - 30<sup>th</sup> August, 2024.**

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**JUDGMENT**

**Judgment is reserved on 01<sup>th</sup> August, 2024.**

**Judgment is pronounced on 30<sup>th</sup> August, 2024.**

Heard Shri A.A.Bangde, learned counsel for the applicant  
and Shri A.P.Potnis, learned P.O. for the respondents.

2. By order dated 21.10.2021 (Annexure A-3) the applicant  
was transferred to Prime Minister Gram Sadak Yojna, Nagpur as Deputy  
Engineer. By order dated 02.11.2021 (Annexure-A-4) he was appointed  
to the said post on deputation. In the list dated 01.12.2023 (Annexure

A-6) of employees who fell in the zone of consideration for promotional post name of the applicant was included. By orders dated 02.04.2024 (at P. 29) and 16.05.2024 (Annexure-A-2), additional charge of some Talukas was kept with the applicant. His performance was appreciated by issuing certificates dated 10.02.2018 (Annexure A-5) and 27.11.2018 (at P. 33). Respondent no. 1 issued order dated 06.06.2024 (at P. 17) as follows: -

ज्याअर्थी, श्री.श्रीधर भा. कांबळे, उप अभिपंता हे दि.०२.११.२०२१ पासून कार्पकारी अभिपंता (प्रमंग्रासपो), नागपूर णा कार्पलपतील उप अभिपंता णा पदावर प्रतिनिपुक्तीने कार्परत आहेत.

०२. ज्याअर्थी, श्री.श्रीधर भा.कांबळे, उप अभिपंता णांच्याविरुद्ध विविध लोकप्रतिनिधी / अन्य व्यक्ती णांच्याकडून गंभीर स्वरुपाच्या तक्रारी प्राप्त झाल्या आहेत.

०३. ज्याअर्थी, श्री. श्रीधर भा. कांबळे, उप अभिपंता णांचे अन्यत्र स्थानांतरण करुन त्यांच्या ठिकाणी सक्षम व कर्तव्यदक्ष उप अभिपंता णांची निपुक्ती करण्याची अधिक्षक अभिपंता (प्रमंग्रासपो), महाराष्ट्र ग्रामीण रस्ते विकास संस्था, नागपूर विभाग, नागपूर णांनी शिफारस केली आहे.

०४. त्याअर्थी, श्री.श्रीधर भा. कांबळे, उप अभिपंता (प्रमंग्रासपो), महाराष्ट्र ग्रामीण रस्ते विकास संस्था, नागपूर णांना प्रतिनिपुक्तीच्या पदावरुन णा आदेशाच्या दिनांकापासून तात्काळ कार्पमुक्त करण्यात पेत आहे.

This was followed by the order dated 07.06.2024 (at P. 16)

which reads as under : -

**विषय :- दिनांक ०६/०६/२०२४ रोजी कार्यमुक्त होणेबाब.**

**संदर्भ :- ग्राम विकास विभाग, मंत्रालय, मुंबई यांचे आदेश क्रमांक ग्रासयो २०२४/प्र.क्र.९४/ बांधकाम -१ दिनांक ०६/जून /२०२४**

संदर्भाकीत आदेशान्वारे आपणास उपअभिप्रांता, प्रधानमंत्री ग्राम सडक योजना, महाराष्ट्र ग्रामीण रस्ते विकास संस्था नागपूर या प्रतिनिधुक्तीच्या पदावरून दिनांक ०६/०६/२०२४ रोजी कार्यमुक्त केलेले असल्यामुळे आपल्याकडील संपूर्ण दस्तावेज श्री.एस.डब्ल्यू.टाके, उपअभिप्रांता (से.नि.) यांच्याकडे तात्काळ सुपूर्द करावे व तसा अहवाल या कार्यालयाला सादर करावा.

(The Impugned orders dated 06.06.2024 and 07.06.2024 are collectively marked Annexure-A-1).

These orders are assailed on the following grounds: -

1. Service record of the applicant is unblemished.
2. Seniority of applicant was ignored.
3. The impugned orders are contrary to various G.Rs.

3. Stand of the respondents is as follows. There were several complaints against the applicant (collectively marked Annexure-R-2) and hence, as provided in G.R. dated 17.12.2016 issued by G.A.D., Government of Maharashtra (Annexure-R-1) his deputation was cancelled by the impugned orders. On one previous occasion the applicant was punished in a departmental proceeding.

4. In support of his case that the impugned orders are unsustainable, the applicant has relied on the Judgment of this Bench dated 25.03.2022 in O.A.No.20/2022. In the said case mid-term transfer order was challenged on the grounds of non-compliance of sub-sections

(4) and (5) of Section (4) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 as well as provisions of sub-para (8) of G.R. dated 11.02.2015. On facts, it was found that though the transfer was stated to be based on various complaints, the same were not verified by the Competent Authority as per G.R. dtd. 11.02.2015. On facts, it was found that the transfer was actuated by malafides. In the instant case orders under challenge are not of transfer but of cancellation of deputation. Hence, above referred sub-para (8) of G.R. dtd. 11.02.2015 was not applicable. In this case the applicant has not alleged malafides. I have referred to the grounds on which orders dated 06.06.2024 and 07.06.2024 are assailed. For these reasons Judgment dated 25.03.2022 will not be of any help to the applicant.

5. In support of the impugned orders the respondents have relied on G.R. dated 17.12.2016 (Annexure R-1). Para 5 on internal P. 7 (at P. 51) of this G.R. reads as under:-

५) प्रतिनिपुक्तीवर सेवा घेणाऱा कार्पाळिपास काही विशिष्ट कारणास्तव विहित कालावधी संपण्यापूर्वी प्रतिनिपुक्तीवर आलेल्या अधिकाऱास त्याच्या मूळ प्रशासकीय विभागास / कार्पाळिपाकडे परत पाठवणे आवश्यक असल्यास, त्या आस्थापनेवरील सक्षम प्राधिकाराने तसे समर्थनीय कारण स्पष्ट करुन त्याला/तिला परत पाठवण्यासाठी प्थास्थिती संबंधित प्रशासकीय विभागास/कार्पाळिपास तीन महिन्याची पूर्वसूचना (नोटीस) देणे आवश्यक

राहील. तथापि, ढा संदर्भात विशिष्ट कारणे नमूद करुन उदा.अनिमित्ता, अफरातफर, कर्तव्यच्युती, इत्यादी कारणे नमूद करुन प्रतिनिधुक्तीचा कालावधी तात्काळ संपुष्टात आणता ढेईल.

### **Emphasis supplied**

The underlined portion of Para 5 quoted above shows that deputation could be cancelled with immediate effect by recording reasons like irregularities, misappropriation, dereliction of duties, etc.. In para 2 of order dated 06.06.2024 it is mentioned that from peoples representatives and others serious complaints were received necessitating cancellation of deputation of applicant with immediate effect. Copies of these complaints (collectively marked Annexure R-2) are placed on record. For the reasons discussed hereinabove no interference is warranted. The O.A. is accordingly dismissed with no order as to costs.

(M.A.Lovekar)  
Member (J)

Dated – 30/08/2024.  
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.  
Court Name : Court of Hon'ble Member (J).  
Judgment signed on : 30/08/2024.  
and pronounced on  
Uploaded on : 30/08/2024.