

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 2288 OF 2016

HIRAMAN DHONDU KHARAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.Patil Pramod D
AGP for Respondents/State: Mr.P.G. Borade.

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: FEBRUARY 26, 2016

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Not on Board, taken on Board.

2 This petition takes exception to the order dated 6th January, 2016 passed in O.A. No.296/2015 and order dated 12th February, 2016 passed in Review Application No.1/2016 by the the Maharashtra Administrative Tribunal, Mumbai, Bench at Aurangabad and also to the impugned transfer order dated 31st May, 2015 issued by respondent No.4 – Collector. The learned Counsel appearing for the petitioner, submits that the petitioner has served as an employee of the Municipal Council, Chalisgaon till 18th April, 2011.

On absorption, he became Government Employee from 2011. The impugned order of transfer passed on 31st May, 2015 amounts to mid-term transfer and therefore, such order could not have been passed by the respondent No.4 keeping in view the provisions of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. The learned Counsel for the petitioner invited our attention to the judgment of the High Court of Bombay, Bench at Aurangabad in case of **Purushottam s/o Govindrao Bhagwat Vs. The State of Maharashtra &n Ors.**¹ and submitted that, the petition deserves to be allowed.

3 We have heard learned Counsel for the petitioner, learned AGP appearing for the respondents / State. With their able assistance, perused pleadings in the petition, annexures thereto, reasons assigned by the Maharashtra Administrative Tribunal and the ground on which the petitioner has been transferred by the respondent No.4.

4 Upon careful perusal of the impugned order, it appears that, along with the petitioner, other four employees have been transferred on administrative ground. Therefore, the said transfer

1 2012(2) ALL MR 322;

of the petitioner is on administrative ground. So far as contention of the learned Counsel appearing for the petitioner that, it is mid-term transfer is concerned, the same deserves no consideration. The petitioner was discharging his duties at Chalisgaon from the year, 2002 while he was in Municipal Council. Even after absorption in the Government Service in the year, 2011, the petitioner was discharging duties at Chalisgaon itself.

5 In the light of above, no case is made out. Petition sans merits and the same stands rejected.

(P.R. BORA, J)

(S.S. SHINDE, J)

kadam/