

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3865 OF 2019

Baban s/o Nathu Patil

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. A.S. Deshmukh, Advocate for Petitioner
Mr. S.K. Tambe, Assistant Government Pleader for
Respondent Nos. 1 to 3

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 24th APRIL, 2019

ORAL ORDER:

1. Mr. Deshmukh, the learned Counsel for the petitioner submits that the petitioner was working as Project Director, Agriculture Technology Management Agency (ATMA) at Dhule since the year 2015. On 22.07.2018, the petitioner was transferred as a District Superintending Agriculture Officer, Nandurbar. Within a period of three weeks, on 16.08.2018, the petitioner was again transferred to Dhule. Such an action is illegal and the same is on account of political interference. The reliance is placed by the learned Counsel on a letter dated 27.06.2018 issued by the Hon'ble Minister of Employment Guarantee Scheme and Tourism,

Maharashtra State. According to the learned Counsel, within three weeks, the petitioner could not have been re-transferred.

2. Mr. Tambe, the learned Assistant Government Pleader submits that in fact, recommendation was not to retain the petitioner at Dhule and Nandurbar. The initial transfer order of 22nd July, 2018 was not recommended by the Board, however, it was issued with the approval of the competent authority. The 2nd transfer order of 18.08.2018 is on the recommendation of the Board and for that also, the approval has been given by the competent authority. The proper procedure has been followed.

3. We fail to understand that for both the transfer orders namely, 22nd July, 2018 and 16th August, 2018, the provisions of 4(4) and 4(5) of the Transfer Act are said to have been followed. The time lag is only three weeks between both the transfer orders. Except administrative ground, no other reason is forthcoming for the transfer. It is stated that the competent authority i.e. Minister Incharge verified the record of the petitioner and decided to cancel earlier transfer order dated 27.07.2018 and to repost the applicant at Dhule.

4. It is contended that the departmental enquiry is pending against the petitioner at Dhule. We could have understood the petitioner having been transferred on the basis of the record to some

other places apart from Dhule and Nandurbar. However, that is not the case of the petitioner. On one hand, it is stated that departmental enquiry is pending against the petitioner at Dhule and petitioner is again retransferred at Dhule.

5. Considering the above, impugned order of transfer and the order of Tribunal are quashed and set aside.

6. It is made clear that this order would not be impediment for the authorities to proceed in accordance with law.

7. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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