

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 8214 OF 2019

(Ramesh Laxman Sargar,

Vs.

The State of Maharashtra, Thr. Its Secretary, Urban Development Department,
 Mantralaya, Mumbai & Ors.)

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

Court's or Judge's orders

Shri S.N. Gaikwad, Advocate for the Petitioner
 Ku. N.P. Mehta, AGP for the Respondent Nos. 1 to 3
 Shri P.P. Deshmukh, Advocate for the Respondent No.4
 Shri N.R. Saboo, Advocate for the Respondent No.5

**CORAM: R.K. DESHPANDE &
 A.S. CHANDURKAR, JJ.**

DATED : 06th January, 2020.

The challenge raised is to the order passed by the Maharashtra Administrative Tribunal rejecting the original application preferred by the petitioner which was filed for challenging the order of transfer dated 29.08.2019. By that order, petitioner has been transferred from Karanja to Murtizapur. According to the petitioner as the order of transfer was issued in the month of August, it was a mid-term transfer. The provisions of Section 4 of the Maharashtra Government Servants Regulation Of Transfers And Prevention of Delay In Discharge of Official Duties Act, 2005 had not been complied with and hence the transfer was liable to be interfered with. Further the respondent No.5 had put in service of more than three years at that place

and he was also liable to be transferred.

2. It is seen from the impugned order that the petitioner was transferred to Karanja on 18.11.2015. He had completed more than six years in Washim District and therefore in view of Government Resolution dated 11.05.2017, he was liable to be transferred out of the District. The Tribunal has considered these contentions in paragraph Nos. 6 & 7 of the impugned order. It has been noted that while giving the options on 01.07.2019, the petitioner had opted for Murtizapur and in the next month he was transferred there. We, therefore, do not find any reason to interfere with the impugned order of transfer, which is not shown to be malafide.

3. Hence, the petition is **dismissed**. No costs.

JUDGE

JUDGE