

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

Writ Petition No.1025 of 2023

Dnyaneshwar Pandurang Gavate

Versus

Regional Manager, Forest Development Corporation of Maharashtra Ltd.,
Chandrapur and another

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

Court's or Judge's order

Shri N.R. Saboo, Counsel for Petitioner.
Shri M.M. Sudame, Counsel for Respondents.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : APRIL 3, 2023.

The challenge raised in this writ petition is to the order of transfer dated 10-2-2023 issued by the Regional Manager, Forest Development Corporation of Maharashtra. By that order, the services of the petitioner as Forester stand transferred from Adapalli round to Bramhapuri Round on a vacant post.

The learned counsel for the petitioner submits that by an order dated 2-8-2022, the petitioner was posted at Adapalli round and before completing his tenure of three years, he has been subjected to transfer. Since it has been stated that the transfer is on a vacant post, there was no pressing need to displace the petitioner prior to completion of the tenure period of three years. It is further submitted that the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (for short, 'the Act of 2005') ought to have been followed in this case. Without doing so and without complying with the Government Resolution dated 11-2-2005, the petitioner has been subjected to transfer.

According to the learned counsel for the respondents, the order of transfer is a fall-out of an incident that occurred on 20-1-2022 between the petitioner and another Forester. Based on the statements of the officers present, a report was prepared and it was submitted to the respondent No.1 and thereafter with a view to maintain smoothness in the administration, the order of transfer came to

be issued. It is submitted that the provisions of the Act of 2005 are not applicable and in absence of there being any *mala fides*, there is no reason to interfere in the order of transfer.

On hearing the learned counsel for the parties, we find that there is material on record to support the stand taken by the respondents that for administrative reasons, the petitioner has been transferred. The incident dated 20-10-2022 has been taken cognizance of and with a view to enable the concerned office to function, the petitioner has been shifted to another place. It is true that within a period of six months, the petitioner has been subjected to transfer. However, in the light of the material placed on record seeking to justify such action and in the absence of there being any allegations of *mala fides*, we do not find any reason to interfere in the impugned administrative order of transfer. The question of applicability of the Act of 2005 is not required to be gone into as the order of transfer has been sought to be justified for administrative reasons and the material in that regard is placed on record.

We therefore do not find any reason to interfere in the impugned order of transfer in the writ jurisdiction.

The writ petition is dismissed. No costs.

In case the petitioner seeks any alteration in the place of his transfer, he is free to make a representation to the respondent No.1, who shall consider the same in accordance with law.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

LANJEWAR