

L. A. BILL No. XXVI OF 2024.

A BILL

*further to amend the Maharashtra Government Servants Regulation
of Transfers and Prevention of Delay in Discharge of
Official Duties Act, 2005.*

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WHEREAS both Houses of the State Legislature were not in Session;

AND WHEREAS the Governor of Maharashtra was satisfied that
circumstances existed which rendered it necessary for him to take immediate
action further to amend the Maharashtra Government Servants Regulation of
Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005,
for the purposes hereinafter appearing ; and, therefore, promulgated the

Mah.
XXI of 10
2006.

Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties (Amendment) Ordinance, 2024 on the 29th August 2024 ; Mah. Ord. VI of 2024.

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature ; it is hereby enacted in the Seventy-fifth Year of the Republic of India as follows :— 5

Short title and commencement.

1. (1) This Act may be called the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties (Amendment) Act, 2024.

(2) It shall be deemed to have come into force on the 29th August 2024. 10

Amendment of section 4 of Mah. XXI of 2006.

2. In section 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, (hereinafter referred to as “the principal Act”) after sub-section (4), the following sub-section shall be inserted, namely :— Mah. XXI of 2006.

“(4A) Notwithstanding anything contained in sub-section (4), the transfer shall be made upto 31st August 2024, in cases where the transfers were not made due to enforcement of the Model Code of Conduct for General Election to the House of People 2024.”. 15

Repeal of Mah. Ord. VI of 2024 and saving.

3. (1) The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties (Amendment) Ordinance, 2024, is hereby repealed. Mah. Ord. VI of 2024. 20

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act. 25

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (Mah. XXI of 2006) (hereinafter referred to as “the said Act”) has been enacted to provide for regulation of transfers of Government Servants and prevention of delay in discharge of official duties. Section 3 of the said Act provides for tenure of posting wherein it is provided that, tenure in a post of All India Service Officers and all Groups A, B and C State Government Servants and employees shall be three years. Section 4 of the said Act provides for tenure of transfer wherein sub-section (4) provides that transfer of Government Servant shall ordinarily be made only once in the year in the month of April or May.

2. The Election Commission of India had made applicable the Model Code of Conduct, for the General Elections to the House of the People (Lok Sabha) 2024, from the 16th March 2024 and the said was in force till 4th June 2024.

3. Due to enforcement of the said Model Code of Conduct, the transfers of Government Servants were not made. Therefore, it was considered expedient to extend the said period for general transfers up to 31st August 2024, by amending section 4 of the said Act, suitably.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, for the purposes aforesaid, the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties (Amendment) Ordinance, 2024 (Mah. Ord. VI of 2024), was promulgated by the Governor of Maharashtra on the 29th August 2024.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Nagpur,

Dated the 15th December 2024.

DEVENDRA FADNAVIS,

Chief Minister.

**MAHARASHTRA LEGISLATIVE
SECRETARIAT**

(L. A. BILL No. XXVI OF 2024.)

**[A Bill further to amend the Maharashtra
Government Servants Regulation
of Transfers and Prevention of Delay in
Discharge of Official Duties Act, 2005.]**

**[SHRI DEVENDRA FADNAVIS,
Chief Minister.]**

**JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly**