

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 223 OF 2023

DISTRICT : NANDURBAR

Govind S/o Datta Mungase,
Age : 55 years, Occu. : Service as
Police Inspector Wireless,
R/o Vijaydurg Police Club,
Room No. 9, Police Head Quarter,
S.P. Office, Tokartalav Road,
Nandurbar, Dist. Nandurbar.

...APPLICANT

V E R S U S

- 1) The State of Maharashtra,
Through the Principal Secretary,
Home Department, Mantralaya,
Mumbai – 32.
- 2) Director General of Police,
Maharashtra State,
Police Head quarter,
Shaheed Bhagatsingh Marg,
Colaba, Mumbai – 400 001.
- 3) Additional Director General of
Police, Wireless,
Maharashtra State,
Dr. Homi Bhabha Road,
Chavannagar, Pune – 8.
- 4) Superintendent of Police,
Tokartalav Road, Nandurbar,
Dist. Nandurbar.

....RESPONDENTS

APPEARANCE : Shri Sanjay N. Pagare, learned Counsel
for applicant.
: Shri M.P. Gude, Presenting Officer for
State authorities.

CORAM : **JUSTICE P.R. BORA, VICE CHAIRMAN.**

DATE : **24.04.20223.**

ORAL ORDER:

1. Heard Shri Sanjay N. Pagare, learned Counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.
2. The grievance of the applicant is that though he has rendered the services for the period of more than 5 years in the Tribal area, his request for transfer has not been considered by the respondents.
3. Shri Sanjay Pagare, learned counsel appearing for the applicant submitted that the applicant on promotion was posted at Nandurbar and he resumed there on 18.9.2017. The learned counsel invited my attention to the Government Resolution dated 6.8.2002 and referred to the relevant clause, which is at page 5 of the said G.R., which provides that the Officers or the employees falling in Group-A and Group-B category rendering satisfactory services for 2 years in the Tribal area shall be entitled for posting in the District of their choice as per the suitability and availability of the post. The applicant claims to be falling in the category of Officer

of Group-A. It is thus evident that in the year 2019 the applicant has become due for transfer but was not transferred.

4. The learned counsel has pointed out that the applicant has been making representations from the year 2019-20 giving places of his choice as required, however, none of the representations submitted by the applicant in the year 2019-20, 2020-21, 2021-22 and 2022-23 has been considered by the respondents. The learned counsel submitted that in the circumstances, the applicant is constrained to approach this Tribunal. The applicant has prayed for directions against the respondents to transfer him from the existing post to the District of his choice as given in his last representation dated 13.2.2023.

5. The contentions raised in the Original Application and prayers made therein are opposed by the respondents. The respondent no. 3 has filed the affidavit in reply in the matter. It is contended that the applications submitted by the applicant have been forwarded by the respondent no. 3 to respondent no. 2 for further necessary action. The due decision is likely to be taken on the request made by the applicant. The learned Presenting Officer in his argument reiterated the contentions raised in the affidavit in reply and additionally submitted that the respondents are in the process of

considering the request of the applicant and most likely the orders may be issued in the ensuing general transfers of the present year. In the circumstances, the learned Presenting Officer prayed for disposing of the Original Application.

6. After having considered the arguments advanced on behalf of the applicant and the respondents and after going through the documents filed on record it appears that, though the request of the applicant was liable to be considered in the year 2019-20 and though the applicant had at the relevant time made a request for his transfer by giving choices and even thereafter continuously applicant has been making representations and praying for transfer, he has not been transferred. No reasons are put forth by the respondents rebutting the contentions raised by the applicant. Though it is stated by the learned Presenting Officer that in the ensuing general transfer of the present year the applicant is likely to be transferred, the fact remains that despite having provisions in that regard those provisions have not been honored by the respondents. The applicant has certainly made out a case for allowing the present O.A. Hence, the following order:-

ORDER

- (i) The respondents are directed to effect the transfer of the applicant as requested by him in his last representation dated

13.2.2023 in any of the District of his choice, off-course, having regard to the vacancy position and suitability.

(ii) The Original Application stands disposed of in the aforesaid terms without any order as to costs.

VICE CHAIRMAN

PLACE : Aurangabad.

DATE : 24.4.2023.

ARJ O.A.NO.792-2022 (TRANSFER)