

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 365 OF 2018  
(Subject – Transfer)**

**DISTRICT: LATUR**

**Shri Mahatmaji S/o. Manikrao More,** )  
Age: 52 years, Occu. : Service, )  
R/o S.P. Office, Latur, )  
Tal. & Dist. Latur. ) .. **APPLICANT**

**V E R S U S**

- 1) **The State of Maharashtra,** )  
Through the Secretary, )  
Home Department, )  
Mantralaya, Mumbai- 400032. )
- 2) **The Superintendent of Police,** )  
Latur, Tal & Dist. Latur. )
- 3) **The Inspector General of Police,**)  
Nanded, Tq. And Dist. Nanded. ) .. **RESPONDENTS**

-----  
**APPEARANCE** : Shri S.S. Chakurkar, Advocate for the  
Applicant.

: Shri D.R. Patil, Presenting Officer for the  
Respondents.

-----

**CORAM : B.P. PATIL, MEMBER (J).**

**DATE : 03.10.2018.**

-----

**O R D E R**

1. The applicant has challenged the impugned order dated 28.05.2018, by which he has been transferred from Latur to Parbhani by filing the present Original Application.

2. The applicant is serving as Senior Clerk in the office of Superintendent of Police, Latur. He is suffering from heart disease. His old mother is residing with him and therefore, she requires regular medical treatment. Because of his ill-health and ill-health of his old mother, the applicant had filed request applications dated 05.05.2018, 24.05.2018 and 31.05.2018 with the respondent No. 3 and requested him to retain him at Latur in view of the guidelines given in the G.R. dated 09.04.2018. But the respondents had not considered his request and convenience and transferred him from Latur to Parbhani by the impugned order dated 28.05.2018. It is his contention that the impugned order of transfer is in violation of the guidelines issued in the G.R. dated 09.04.2018 and therefore, he has challenged the said impugned order dated 28.05.2018, by which he has been transferred from Latur to Parbhani by filing the present Original Application and prayed to quash and set aside the same and also prayed to direct the respondents to allow his request applications dated 05.05.2018, 24.05.2018 and 31.05.2018.

3. The respondent Nos. 2 and 3 have filed their affidavit in reply and resisted the contentions of the applicant. They have denied the fact that the impugned order is in violation of the

provisions of G.R. dated 09.04.2018 and they have not considered the request of the applicant. It is their contention that the applicant has appointed as a Junior Clerk on the establishment of Superintendent of Police, Latur on 21.01.1991 and since then, he is working at Latur. He served at Latur District for more than 26 years. He has never been transferred out of Latur District. It is their contention that the applicant was due for transfer and therefore, his case was placed before the Civil Services Board No. 2 and the Civil Services Board No. 2 considered the case of the applicant and transferred him from Latur to nearby district i.e. Parbhani.

4. It is their contention that in view of the guidelines given in the G.R. dated 09.04.2018, if the Government employee is suffering from Cancer, Prelacies, Kidney Stone Operation, Delicious, Brain Tumors, Mental problem and heart disease, then he has to submit a request application for transfer at convenient place to the competent authority on or before 30.04.2018 along with medical certificate. But the applicant has not submitted his application for request of transfer along with medical certificate before the competent authority on or before 30.04.2018. Therefore, no question of consideration of the same arises. It is

their contention that the Civil Services Board No. 2 had taken a decision to transfer the applicant from Latur on administrative ground and there is no illegality in it. It is their contention that the transfer of the applicant has been made in view of the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "the Transfer Act 2005") and therefore, there is no illegality in it.

5. It is their contention that they never received applications dated 05.05.2018 and 24.05.2018 from the applicant with a request to retain him at Latur. It is their contention that they received representation of the applicant dated 31.05.2018 and the competent authority rejected the request of the applicant and informed him accordingly on 06.06.2018. It is their contention that the applicant has been relieved from the office of Superintendent of Police, Latur and he joined his new posting at Parbhani on 25.07.2018. It is their contention that there is no just ground to allow the present Original Application and therefore, they prayed to dismiss the same.

6. I have heard Shri S.S. Chakurkar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer

for the respondents. I have perused the documents placed on record by both the parties.

7. Admittedly the applicant joined service on the establishment of Superintendent of Police, Latur as Junior Clerk on 21.01.1991 and since then, he is working at Latur. Admittedly, the applicant was working in the officer of Superintendent of Police, Latur during the period from 21.01.1991 to 03.10.2007 for more than 16 years and thereafter, he was transferred to Police Training Centre, Babhalgaon-Latur and he served there from 04.10.2007 to 08.01.2012 for about four years and three months. Thereafter, he was transferred to S.P. office, Latur and he served there from 09.01.2012 till the date of issuance of the impugned order of transfer. Admittedly, the applicant served in Latur district for more than 27 years. Admittedly the applicant was due for transfer and he has completed his normal tenure of posting at Latur. He has never been transferred out of Latur district since his initial appointment. Admittedly, the applicant came to be transferred to Parbhani from Latur by the impugned order dated 28.05.2018.

8. Learned Advocate for the applicant has submitted that the applicant is suffering from heart diseases. He has

submitted that the applicant has filed an application with the respondents and requested not to transfer him out of Latur District because of his ailment, but the respondents had not considered the said request and also not followed the guidelines given in the G.R. dated 09.04.2018. He has submitted that the respondents had issued the impugned order and transferred him from Latur to Parbhani, which is in contraventions of the provisions of Transfer Act 2005, therefore, the impugned order is illegal. Therefore, he prayed to quash and set aside the impugned order of transfer by allowing the present Original Application.

9. Learned Presenting Officer has submitted that in view of the guidelines mentioned in G.R. dated 09.04.2018, the employee, who wants to make request to transfer him on the place of his choice, has to make an application in pro-forma by giving choices of places where to be posted to the competent authority on or before 30.04.2018. He has submitted that the applicant has not made any request and not submitted his request application giving options of his choices, where he wants to be posted to the competent authority on or before 30.04.2018 and therefore, no question of considering his request arises. He

has submitted that as the applicant had completed his normal tenure of posting and he was serving at Latur since his initial appointment for more than 27 years, his case was placed before the Civil Services Board No. 2 and the Civil Services Board No. 2 considered the case of the applicant and decided to transfer the applicant from Latur to Parbhani on account of administrative exigencies. He has submitted that the impugned transfer order has been issued in view of the provisions of Transfer Act 2005 and there is no illegality in it.

10. He has submitted that after transfer, the applicant has moved an application dated 31.05.2018 with a request to retain him at Latur, but the respondents have rejected the request application of the applicant on 06.06.2018. He has submitted that as there is no illegality in the impugned order, he prayed to reject the present Original Application.

11. On going through the documents produced on record by both the parties, it reveals that the applicant is serving at Latur since more than 27 years. He has not been transferred out of Latur district since his appointment in the service. He joined the service in the year 1991 at Latur and since then, he is working there. He was due for transfer and therefore, his case

was placed before the Civil Services Board No. 2. The Civil Services Board No. 2 had considered the applicant's request for retention at Latur on the ground that he is suffering from B.P., Sugar and he suffered mild heart attack. But the Civil Services Board has decided to transfer him as they did not find substance in the request application of the applicant. The transfer of the applicant is made from Latur to Parbhani. Parbhani is near to Latur district. Admittedly, the applicant has been transferred at Parbhani, which is a district place, where the best medical facilities are available. Therefore, it cannot be said that the inconvenience will be caused to the applicant because of the impugned transfer order. The guidelines given in G.R. dated 09.04.2018 provides that the competent authority has to consider the request of the employees, who are suffering from serious ailments and make the transfers of such employees considering their convenience and administrative exigencies. Because of the administrative exigencies, the Civil Services Board No. 2 decided to transfer the applicant from Latur to Parbhani for taking in to consideration his ailments and posted him at the district place i.e. at Parbhani. Therefore, in my view, there is no violation of the guidelines given in the G.R. dated 09.04.2018 and there is no violation of the provisions of Transfer Act 2005,



while issuing the impugned order of transfer. Therefore, I do not find substance in the submissions advanced by the learned Advocate for the applicant in that regard. I find no illegality in the impugned order of transfer. Therefore, no interference is called for in it. There is no merit in the Original Application. Consequently, the O.A. deserves to be dismissed.

12. In view of the discussions in the foregoing paragraphs, the Original Application is dismissed with no order as to costs.

**PLACE : AURANGABAD.**  
**DATE : 03.10.2018.**

**(B.P. PATIL)**  
**MEMBER (J)**

**KPB** S.B. O.A. No. 365 of 2018 BPP 2018 Transfer