

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 709 OF 2022

DISTRICT :- DHULE

Smt. Jyoti Bharat Ghadoje)
Age: 38 years Occ. : Govt service,)
now posted as Auditor Grade-1,)
Cooperative societies, Dhule,)
R/o Flat No. 14, Sukhniwas Hig Society,)
Kamatwade, Nashik – 422 008.) .. **Applicant**

V E R S U S

1. The Mate of Maharashtra,)
Through the Secretary,)
Cooperation, Marketing and)
Textile Department, Mantralaya,)
Mantralaya, Mumbai- 400 032.)
2. Commissioner for Cooperation)
and Registrar of Co-Operative)
Societies, Maharashtra State,)
Pune – 411 001.)
3. Divisional Joint Registrar,)
Co Operative societies, (Audit))
Nashik Division, Vishwnath)
Chembers, 1st Floor, Ganjmal,)
Nashik-422 001.)
4. Smt. J.T. Mahale,)
Auditor Grade-1,)
Office of Special Auditor Class-II,)
Cooperative Society (Marketing),)
Near Indira Garden Devpur,)
Dhule 424 001.) .. **Respondents**

APPEARANCE : Shri Mukund R. Kulkarni, learned
counsel for the applicant.
: Smt. Deepali S. Deshpande, learned
Presenting Officer for the respondent
authorities.

CORAM : JUSTICE SHRI P.R.BORA, VICE HAIRMAN
DATE : 8.2.2023.

ORAL - ORDER

Heard Shri Mukund R. Kulkarni, learned counsel for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent authorities.

2. The applicant has preferred the present Original Application making a grievance that though genuine request was made by her for her transfer at Nashik, the said request has not been considered by the respondent authorities. The learned counsel for the applicant submitted that initially there were 2 posts vacant at Nashik and the applicant could have been very well accommodated on the said post. The learned counsel further submitted that in the meanwhile period respondent no. 4, whose proposal was considered for her

transfer at Nashik, took voluntary retirement. The learned counsel submitted that in such circumstances the claim of the applicant must have been considered by the respondents. However, it was not considered and one N.S. Patil, who was working on deputation in Mantralaya, has been repatriated at Nashik. The learned counsel further submitted that the respondent authorities have failed in considering the request of the applicant though the grounds, which are raised by the applicant for her transfer at Nashik were too genuine. In the circumstances, the applicant has filed the present O.A. with the following prayers:-

- a) The Hon. Tribunal be pleased to call for the record and proceedings of the posting and transfer order dated 26.5.2022 and after examining the legality and validity of the order the Hon. Tribunal be pleased to hold and declared that, the non-consideration of the applicant for posting against clear vacancy at Nashik is the colorable exercise of the powers by Respondent no. 3 and by suitable order the same may please be quashed and set aside.
- b) The Hon. Tribunal further be pleased to direct the Respondent No. 3 to consider the request of the applicant to post her at Nashik and issue the suitable orders within 03 weeks from the date of the order of this Hon. Tribunal.
- c) The cost be provided for.
- d) The Hon. Tribunal be pleased to grant any other and further relief which this Hon. Tribunal may deem fit and proper in the facts and circumstances of the case.

10. Interim Relief prayed for -

a) The Hon. Tribunal be pleased to direct the respondents to not to fill up the post of Auditor Grade-I (Pashu, Dugdha Vywasaya and Mastya Savnrhdhan), Nashik till final disposal of the Original Application.

b) The Hon. Tribunal be pleased to grant any other and further relief which this Hon. Tribunal may deem fit and proper in the facts and circumstances of the case.

c) *Ad. Interim Relief in terms of prayer clause 10(a) and/or 10(b)."*

3. The learned Presenting Officer taking me through the affidavit in reply filed on behalf of the respondents submitted that the application submitted by the applicant is devoid of any substance. The applicant has raised baseless allegations therein. The learned PO pointed out that previous posting was given to the applicant on her request at Chandwad in District Nashik. In the circumstances, after the applicant was promoted she was bound to be posted at some different place and accordingly she was posted at Dhule. The learned PO submitted that the request by respondent no. 4 for her transfer at Nashik was made prior to posting of the applicant at Dhule. In the circumstances, the allegation made by the applicant that to accommodate respondent no. 4 that post was kept vacant is false. The learned PO further submitted that Shri NS Patil, who was on deputation at Mantralaya, was repatriated to Nashik on

the orders of the competent authority and as such there is no post vacant at Nashik. The learned PO further submitted the applicant cannot insist for posting her at particular place. It is not the case that the request of the applicant was never considered by the respondent authorities. The learned PO in the circumstances prayed for dismissal of OA being devoid of any substance.

4. After having gone through the pleadings of the parties it does not appear to me that any case is made out by the applicant for grant of relief as has been claimed by her. The difficulties, which are put forth by the applicant, are generally faced by every Government employee, who is in service. As has been pointed out by the learned PO it is not the case that there was any unfair treatment given to the applicant. The record shows that in the year 2016 on her request the applicant was posted at Chandwad and she spent period of about 5-6 years on the said post. Once the employee is promoted usually his transfer takes place from the place where he/she is working and accordingly the applicant has been posted at Dhule. Insofar as the allegations as are made by the applicant regarding favourable treatment given to other employees, from record it appears that the allegations are baseless. It has to be further

noted that the Government employee cannot at every time expect that the posting can be given of his/her choice.

5. In view of above, the Original Application deserves to be dismissed and is accordingly dismissed, however, without any order as to costs.

VICE CHAIRMAN

PLACE : Aurangabad.
DATE : 8.2.2023.

ARJ O.A.NO.709-2022 (POSTING - TRANSFER)