

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 748 of 2019 (S.B.)

Angad S/o Namdeorao Dudhate,
aged about 30 years, Occ. Service as Avval Karkun,
r/o c/o Sub Divisional Office,
Charmoshi, Tah. Charmoshi
District Gadchiroli.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2) The Collector,
Gadchiroli, District Gadchiroli.
- 3) The Collector, Nanded, Dist. Nanded.

Respondents.

S/Shri A.P. Tathod, A. Girdekar, Advocates for the applicant.
Shri A.P. Potnis, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice M.G. Giratkar,
Vice Chairman.**

Dated :- 22/06/2022.

JUDGMENT

Heard Shri A.D. Girdekar, Id. counsel for the applicant and
Shri A.P. Potnis, Id. P.O. for the respondents.

2. The applicant was appointed as Clerk-cum-Typist office at
Tahsil Office, Gadchiroli on 26/11/2012. The applicant came to be
promoted on the post Awal Karkoon on 1/12/2018. The applicant is a
permanent resident of village Deogulgaon (Du.), Tq. Purna, Dist.

Parbhani. The mother of applicant is suffering from severe arthritic and father of applicant was also suffering from severe piles problem. The father of applicant was operated for the said disease. There is nobody to look after the old aged parents of the applicant, therefore, the applicant applied for inter district transfer as per the application dated 13/12/2018. The said application was forwarded to the Government of Maharashtra. The Government of Maharashtra as per the order dated 19/12/2018 directed the Collector, Gadchiroli to submit the report. The Collector, Gadchiroli rejected the proposal of the applicant on the ground that as per the G.R. dated 02/02/2011 (A-8,P-41), the applicant cannot apply for inter district transfer. Hence, the present O.A. for direction to the respondents i.e. the Collector, Gadchiroli to forward his proposal for inter district transfer.

3. The application is strongly opposed by the respondents. It is submitted that the applicant had given undertaking to work in the Gadchiroli and therefore he cannot be transferred to other district on his own request. It is submitted that as per the G.R. dated 02/02/2011 the applicant is not entitled for inter district transfer.

4. The G.R. dated 02/02/2011 was issued by the Govt. of Maharashtra with an intention to employ the local persons in Gadchiroli district and they should not be transferred out of the

Gadchiroli district. The relevant portion of para-3 of the G.R. reads as under -

“(१) गडचिरोली जिल्हयातील स्थानिक रहिवासी तसेच स्थानिक आदिवासी भागात बोलली जाणारी बोली भाषा (Local Tribal dialect) अवगत असणा-या उमेदवारांना प्राधान्य देण्यात येईल. तसेच शासन निर्णय, सामान्य प्रशासन विभाग दिनांक ३१/७/१९९३, १९/३/१९९८ व १०/६/२००८ अन्वये तरतूद केलेल्या पसंतीक्रमाच्या अगोदरचा प्रथम पसंतीक्रम देण्यात येईल.

(२) संबंधित कर्मचारी गडचिरोली जिल्हयाच्या बाहेर बदलीस पात्र ठरणार नाहीत.

(३) गडचिरोली जिल्हयातील पदभरतीसाठी स्पर्धा परीक्षा घेतांना परीक्षेसाठी विहित अभ्यासक्रमामध्ये (त्या पदाच्या सेवाप्रवेश नियमातील शैक्षणिक अर्हतेनुसार त्या स्तरावरील) स्थानिक भागाच्या भौगोलिक व अन्य माहितीचा जास्त प्रमाणात समोवश असावा.”

5. It is clear from the Govt. G.R. that employment is to be provided to the local person of the Gadchiroli district. The respondents appointed the applicant who is not from Gadchiroli district and now saying that as per the G.R. dated 2/2/2011, he is not entitled for inter district transfer. There is a Govt. policy about inter district transfer. The Administrator / Head of the Department has to submit the proposal to the Govt. and the Govt. has to take decision in respect of inter district transfer. The applicant applied for transfer and proposal was called with a report from the Collector, Gadchiroli. The Collector, Gadchiroli rejected the proposal for inter district transfer on the ground that it is not permissible as per the Govt. G.R. dated 2/2/2011. The Govt. G.R. dated 2/2/2011 is in respect of appointment of local

persons who know the local language. The applicant is not a permanent resident of Gadchiroli district, therefore, the G.R. dated 2/2/2011 is not applicable. The respondent was at liberty not to appoint the applicant in Gadchiroli district. As per the G.R. dated 2/2/2011, it was the duty of the respondents to appoint local candidates / persons in Gadchiroli district. One of the employee namely Suraj Shinde is transferred from Gadchiroli to Beed, as per transfer order dated 7/9/2018. The said employee was appointed on the same conditions. The respondents themselves have committed breach of the G.R. dated 2/2/2011, now they cannot say that as per this G.R., the applicant is not entitled for inter district transfer. Hence, the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The Collector, Gadchiroli is directed to submit the proposal of the applicant for inter district transfer from Gadchiroli to Nanded within a period of three months.
- (iii) No order as to costs.

Dated :- 22/06/2022.

(Justice M.G. Giratkar)
Vice Chairman.

dnk*.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 22/06/2022.

Uploaded on : 22/06/2022.