

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 1014 of 2023 (S.B.)

Dr. Priya Anandrao Nagare,
Aged 37 Years, Occ. Service,
Resident of Wardha, Dist. Nagpur.

Applicant.

Versus

- 1) State of Maharashtra Through Secretary,
Animal Husbandry, Dairy and Fisheries Department,
Mantralaya, Mumbai- 32.
- 2) Commissioner of Animal Husbandry,
Maharashtra State Central Building,
Opposite Spicer College, Aundh, Pune-411007.
- 3) Regional Joint Commissioner,
Animal Husbandry, Civil Lines, Nagpur-440001.
- 4) Additional Commissioner,
Animal Husbandry, District Wardha.
- 5) Assistant Commissioner,
Animal Husbandry, District Veterinary Hospital, Wardha.

Respondents.

S/Shri A.S. Dhore, Yash Bangale, Karan Bhende, Advs. for the applicant.

Shri M.I. Khan, learned P.O. for respondents.

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

Dated :- 14/12/2023.

JUDGMENT

Heard Shri Yash Bangale, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. The applicant has filed this O.A. for the following reliefs –

“(8) (A) Call for the record and proceedings of impugned transfer order dated 15.05.2023;

(B) Quash and set aside the impugned transfer order dated 15.05.2023 in as much as it transfers the Applicant from the post of Livestock Development Officer, District Veterinary Hospital, Wardha to District Veterinary Hospital, Bhandara;

(C) Direct the Respondents to issue fresh transfer order in favour of the Applicant transferring her to any one of the choices given by her in her representation addressed to Respondent No.1 on 17.05.2023.

(9) By an ad interim ex parte order or an interim order, stay the effect and operation of the impugned Transfer Order dated 15.05.2023 in so far as transferring the Applicant from District Veterinary Hospital, Wardha to District Veterinary Hospital, Bhandara, during the pendency of present Original Application.”

3. The applicant is a Live Stock Development Officer and was posted at Kharangana, Tq. Arvi, Dist. Wardha. By the impugned order, she is transferred to Bhandara. The applicant is having small child aged about three years and therefore she gave choices of posting to the respondents, but it was not considered and transferred her to Bhandara. It is difficult for the applicant to look after her child while serving at Bhandara. Therefore, she approached to this Tribunal.

4. The O.A. is strongly opposed by the respondents. It is submitted that the applicant has completed normal tenure of service at Wardha. The applicant was working at Wardha as a Live Stock Officer

from 2018. She was due for transfer and therefore she was transferred to Bhandara. There is nothing illegal on the part of the respondents and therefore the O.A. is liable to be dismissed.

5. During the course of submission, the learned counsel for applicant has made only submission that the respondents be directed to consider the applicant's representations dated 20/04/2023 and 17/05/2023.

6. The learned P.O. has submitted that the applicant has committed misconduct by not joining the service at the transferred place. He has pointed out the decision of the Hon'ble Supreme Court in the case of **S.C. Saxena Vs. Union of India & Ors. (2009) 9 SCC,583.**

7. There is no dispute that the applicant was due for transfer, therefore, she is transferred from Wardha to Bhandara.

8. As per the submission of the learned counsel for applicant, she has not joined at Bhandara. This Tribunal had directed the respondents not to take any disciplinary action against the applicant as per order dated 05/09/2023. That order was continued. Till date no any disciplinary action is taken against the applicant. There is no any illegality, but the applicant was due for transfer and therefore she is transferred from Wardha to Bhandara. Her service is transferable from

one district to other and therefore it is a condition of service. Therefore, the impugned transfer order cannot be said to be illegal. However, the respondents may consider the representation of applicant on humanitarian ground. Hence, the following order –

ORDER

- (i) The O.A. is dismissed with no order as to costs.
- (ii) The respondents are directed to consider the representations of the applicant within a month from the date of receipt of this order.
- (iii) No order as to costs.

Dated :- 14/12/2023.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 14/12/2023.