

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.305/2017.

Nilesh Bansidhar Gadhave,
Aged about 36 years,
Occ- Service,
R/o Sai Nagar, Daryapur, Distt. Amravati.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Revenue,
Mantralaya, Mumbai-32.
2. The Dy. Director of Land Records,
Amravati Division, Amravati.
3. The Dy. Superintendent of Land Records,
Daryapur, Distt. Amravati.

Respondents.

Shri D.M. Upadhye, the learned counsel for the applicant.
Shri A.M. Khadatkhar, the Ld. P.O. for the respondents.

Coram:- Shri J.D. Kulkarni,
Vice-Chairman (J).

Dated:- 27th September 2017.

Order

Heard Shri D.M. Upadhye, the learned counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents.

2. The applicant Nilesh Bansidhar Gadhave is a Junior Clerk serving in the office of Dy. Director of Land Records, Amravati.

At the time of relevant transfer order dated 31.5.2017, he was working at Daryapur and has been transferred on the post of Land Surveyor at Anjangaon Surji.

3. According to the applicant, he has not given option at Anjangaon Surji and the option places were not considered. It is stated that his wife is serving as Conductor in MSRTC at Amravati and, therefore, he be transferred at one of the option places i.e. at Amravati, Bhatkuli or Chandur Bazar.

4. Respondent No.2 has justified the order of transfer. It is stated that the applicant has given three options i.e. Amravati, Bhatkuli or Chandur Bazar. It is, however, stated that it cannot be a right of the applicant. The applicant was appointed initially as a Peon from 12.6.2007 to 21.8.2010 and later on was promoted as Land Surveyor. He is at Daryapur since last 6 years and 9 months. Transfer order has been issued in compliance of the provisions of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as, "Transfer Act, 2005"). So far as the illness of the mother of the applicant is concerned, it is stated that the applicant has not given any details and the distance between Amravati and Anjangaon Surji is hardly 80 Kms.

5. The learned counsel for the applicant has invited my attention to the option form which the applicant has filled in on 1.3.2017 (Annexure A-2) from which it seems that the applicant has given options i.e. Amravati, Bhatkuli or Chandur Bazar and only reason for transfer and the place of option was adjustment of husband and wife at one place. The ground of illness has been scored in the option form.

6. Admittedly, the applicant has completed his tenure of 6 years and 9 months and though, the options are obtained to adjust the employees at a particular place of their choice, it cannot be claimed as a right. Vide impugned order of transfer, as many as 91 employees have been transferred and number of employees have been transferred on request and rest of the employees have been transferred as per administrative convenience. Admittedly, each and every employee cannot be adjusted at the place of option. There is nothing on record to show that, there is any prejudice or malice in the minds of the respondent authorities against the applicant. In view of the circumstances, I do not find any reason to interfere in the impugned order of transfer issued by respondent authorities.

7. The learned counsel for the applicant submits that he is ready to go to Daryapur where one Shri P.M. Damdhar has been transferred from Anjangaon Surji. He stated that Shri Damdhar is ready to be retained at Anjangaon Surji. I have perused the O.A. filed

by Shri Damdhar bearing No.306/2017 from which it seems that Shri Damdhar has claimed his transfer at Achalpur and he has not claimed retention. If the applicant and Shri Damdhar files applications for mutual transfer for change of place as per their choice as stated by the Ld. counsel for the applicant, they will be at liberty to file separate representation and the said representations can be considered as per rules at the time of annual general transfers of the year or as per the convenience of the administration. However, no such directions can be given as prayer by the Ld. counsel for the applicant in this O.A.

8. In view of the discussion as above, I do not find any merit in this O.A. Hence, I proceed to pass the following order:-

ORDER

O.A. is dismissed with no order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

pdg

