

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.306/2017. (S.B.)

Prashant Natthuji Damdhar,
Aged about 34 years,
Occ- Service,
R/o Lala Chowk, Anjangaon Surji,
Tehsil 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,
Anjangaon Surji, 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. Vide impugned order dated 31.5.2017, the applicant has been transferred from Anjangaon Surji to Daryapur. Admittedly, he has complete more than six years at Anjangaon Surji and was very much due for transfer.

3. According to the applicant, he has given options for Achalpur and Chandur Bazar. But the same was not considered and, therefore, requested that he be transferred to Achalpur.

4. Vide impugned order dated 31.5.2017, as many as 91 employees have been transferred.

5. In reply affidavit, respondent No.2 has stated that the applicant has given only two options i.e. Achalpur and Chandur Bazar and the same cannot create any right. It is stated that the applicant claimed that he requires medical treatment of his parents, for which he has to go to Amravati. The distance between Achalpur and Amravati is 60 Kms. whereas the distance between Anjangaon Surji and Amravati is 80 Kms. Hence, the applicant is, in fact, benefitted by the I.O. The transfer order has been issued as per 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"), without prejudice and ill will.

6. Perusal of the option form shows that the applicant has requested for his transfer at Chandur Bazar or Achalpur. He has been transferred to Daryapur, adjacent to Achalpur and both these cities are nothing but as good as twin cities. From the impugned order, it seems that 91 employees have been transferred and most of the employees have been adjusted on request and those who could not be adjusted, have been transferred as per administrative convenience. Admittedly, the applicant was due for transfer. He is already worked at Anjangaon Surji from 2005 to 2017 i.e. for more than twelve years and in the present post for more than six years. In such circumstances, I do not find any malice in the impugned order of transfer.

7. The learned counsel for the applicant submits that the applicant be adjusted at Anjangaon Surji in the alternative and the applicant in O.A. No. 305/2017 be transferred in his place at Daryapur. Such direction cannot be issued in this application, as the applicant has prayed for his transfer at Achalpur only. He has not opted for retention and it is for the competent authority to consider whether his request can be accepted for retention at Anjangaon Surji, in case he applies for retention.

8. In the result, I do not find any merits 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)

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