

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL,**

**NAGPUR BENCH, NAGPUR.**

**ORIGINAL APPLICATION NO.36/2018.** (S.B.)

Meghraj Sudhakar Morey,  
Aged about 37 years,  
Occ.Service,  
R/o At present Vivek Nagar, Mul Road,  
Chandrapur.

**Applicant.**

**-Versus-**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Higher & Technical Education,  
Mantralaya, Mumbai-32.
2. The Director of Technical Education,  
3, Mahapalika Marg, P.B.No.1967,  
Mumbai.
3. The Govt. College of Engineering,  
Chandrapur, through its Principal,  
Ballarpur Bye-pass Road, Babupeth,  
Chandrapur.

**Respondents.**

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Shri P.S. Patil, Ld. Advocate for the applicant.  
Shri V.A. Kulkarni, Ld. P.O. for the respondents.

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

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**JUDGMENT**

(Delivered on this 4<sup>th</sup> day of May, 2018.)

Heard Shri P.S. Patil, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

2. The applicant has joined as a Lecturer (Assistant Professor) as per order dated 7.9.2010 in the office of respondent No.3. As per G.R. dated 6.8.2002, an employee working in the Tribal area is entitled to claim choice posting after completion of two years. The applicant accordingly made requests for his transfer on 15.3.2013, 12.5.2014 and 31.5.2015. The applicant again requested for his transfer on the ground of illness of his mother as well as his wife. It is stated that the post of Assistant Professor (Electrical Engineering) is vacant at Govt. Engineering College, Aurangabad and, therefore, the applicant again requested to respondent No.2 to transfer him at Aurangabad vide representation dated 20.1.2017. In spite of repeated requests for last four years, the respondent authority is not considering the request of the applicant. It is stated that the applicant in the years 2015, 2016 and 2017 continuously requested to transfer him at Amravati and the Chairman of the Board of Governance of College of Engineering, Amravati vide communication dated 6.6.2016 submitted that two posts of Assistant

Professor (Electrical Engineering) are lying vacant at Amravati. But his request was not considered.

3. The learned counsel for the applicant submits that the application can be disposed of, if the respondent authority is directed to consider the representation of the applicant in view of G.R. dated 6.8.2002.

4. Perusal of the G.R. dated 6.8.2002 (Annexure A-4) clearly states that those employees who have completed their tenure in the naxalite affected area / rural area can ask for choice posting and the competent authority has to consider such request. The learned counsel for the applicant has placed reliance on the judgment delivered by this Tribunal in this regard in **O.A. No.607/2016 delivered on 4.1.2017 in case of Dr. Vilas N. Ghate V/s State of Maharashtra and others at Nagpur Bench and the O.A. No.81/2017 delivered on 31.10.2017 in the case of Shrikant D. Londhe V/s State of Maharashtra and others.** In para No.7 of the latter decision, this Tribunal has observed that the G.R. clearly shows that the Govt. has taken a policy decision to grant choice posting to the employees who served in the naxalite affected area / rural area after completion of their tenure in such areas. There is nothing as to why the respondent authorities are not considering the

applicant's representation. Similar view was also taken in the judgment in **O.A. No. 968/2017 on 16.4.2018 by this Tribunal in case of Dinesh V. Rojatkar V/s State and two others.** In view thereof, I proceed to pass the following order:-

**ORDER**

- (i) The respondent No.2 is directed to forward the proposal of the applicant to the State Government for considering the case of the applicant for his transfer from Chandrapur to Aurangabad or at any suitable place of choice given by the applicant and the Govt. shall take appropriate decision on such representation of the applicant from time to time within one month from the date of this order or at the time of Annual General Transfer to be effected in the months of April / May 2018, whichever is earlier.
- (ii) No order as to costs.

(J.D.Kulkarni)  
Vice-Chairman (J)  
4.5.2018.