

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 378/2019 (S.B.)**

Shri Devanand Ganpatrao Gadhade,  
Aged about 46 years, Occ. Forester Social Forestry Division,  
Tahsil : Arvi, District : Wardha (Maharashtra).

**Applicant.**

**Versus**

- 1) State of Maharashtra through its Secretary,  
Ministry of Revenue and Forest Department,  
Mantralaya, Mumbai (Maharashtra).
- 2) Deputy Conservator of Forest,  
Civil Lines, Ambedkar Chowk,  
District Wardha (Maharashtra).
- 3) Divisional Forest Officer,  
Social Forestry Division, Wardha.

**Respondents.**

---

**Shri N.S. Autkar, Advocate for the applicant.**

**Shri A.M. Khadatkhar, P.O. for respondents.**

---

**Coram :- Hon'ble Shri Anand Karanjkar,  
Member (J).**

---

**Date of Reserving for Judgment : 9<sup>th</sup> July, 2019.**

**Date of Pronouncement of Judgment : 9<sup>th</sup> July, 2019.**

**JUDGMENT**

**(Delivered on this 9<sup>th</sup> day of July,2019)**

Heard Shri N.S. Autkar, learned counsel for the applicant  
and Shri A.M. Khadatkhar, learned P.O. for the respondents.

2. It appears from the facts and circumstances that the applicant was appointed as Forest Guard in the year 1992. Since 27/11/2015 the applicant was serving at Arvi Social Forestry, District Wardha. The applicant is challenging the impugned transfer order dated 30/05/2019, by which the applicant is transferred to Ashti. It is contention of the applicant that his transfer is premature and therefore it is in violation of the law. The learned counsel for the applicant has placed reliance on Section 3(1) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005"). After reading Section 3, Sub-section 1 of the Transfers Act,2005, it seems that Section 3, Sub-section 1 is mandatory which says that the Government servant who has completed two normal tenures at one station shall be transferred, after reading the language of this Section, it is not possible to draw the interference that it is mandate of this Section that the Government servant shall not be transferred before expiry of two normal tenures.

3. After reading Section 4(1) of the Transfers Act,2005, it seems that no Government servant shall ordinarily be transferred, unless he has completed his tenure of posting as provided in Section 3 of the Transfers Act,2005. As per section 3 the normal tenure is three years. In the present case as the applicant had completed the

normal tenure, therefore, the applicant was due for transfer and consequently I do not see any merit in the contention that the applicant was not due for transfer.

4. It is submission of the applicant that his wife is suffering from illness and therefore by transferring him to Ashti he will have to face so many domestic problems. I have perused the Medical Certificate produced by the applicant. As per the Medical Certificate it is mentioned that wife of the applicant was suffering from chronic abdo pain gastritis. It is nowhere mentioned in the Certificate that the medical treatment for this illness was only available at Arvi. The applicant has also produced Medical Certificate relating to health of his son, but on perusal of the Medical Certificate it seems that son of the applicant had sustained fracture and screws were implanted at the time of operation. It is pertinent to note that this Certificate was issued by the Hospital situated at Nagpur, considering both the Certificates, I do not see any merit in the contention that suitable medical treatment was available only at Arvi.

5. It seems that as per the G.R. the applicant was bound to give at least 10 options, but the applicant did not give 10 options, he only gave three options, one Talegaon and second Pandurna and third Ashti. On perusal of the impugned transfer order, it seems that the applicant is transferred to Ashti as per one of the options,

therefore, there appears no merit in this application. Hence, the following order -

**ORDER**

The O.A. stands dismissed. No order as to costs.

**Dated** :- 09/07/2019.

\*dnk....

**(A.D. Karanjkar)  
Member (J).**