

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 469 of 2021 (S.B.)**

Smt. Gita Ramprasad Ghuge,  
Aged about 31 years, Occ. Service,  
R/o at post Mendgaon,  
Tah. Deulgaon Raja, Dist. Buldhana.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Forest Department, Government of Maharashtra,  
Mantralaya, Mumbai.
- 2) The Chief Conservator of Forest (Territorial),  
Amravati, District Amravati.
- 3) The Deputy Conservator of Forest,  
Buldhana (Territorial),  
Forest Department, Buldhana,  
District Buldhana.

**Respondents.**

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**Shri R.L. Kadu, Advocate for the applicant.**

**Shri H.K. Pande, P.O. for the respondents.**

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**Coram :- Hon'ble Shri Justice M.G. Giratkar,  
Member (J).**

**Dated :- 23/12/2021.**

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**JUDGMENT**

Heard Shri R.L. Kadu, learned counsel for the applicant  
and Shri H.K. Pande, learned P.O. for the respondents.

2. The applicant was appointed as a Forest Guard. She was posted in the office Ghod Prkalap Junner, District Pune on 13/5/2011. Thereafter, she was transferred at Deulgaon Raja on 22/7/2015. She was working there till the impugned transfer order. The applicant was due for transfer, therefore, she has given places of choice posting. The respondents have not considered the same. The applicant is transferred to Melghat Forest Department, Paratwada by impugned order dated 7/8/2020. Hence, the applicant has approached to this Tribunal challenging the said impugned transfer order dated 7/8/2020.

3. The application is strongly opposed by the respondents. It is submitted by the side of respondents that the applicant was due for transfer. Cases of all the transferred employees were kept before the Civil Services Board. As per the recommendation of the Civil Services Board, the applicant is transferred to Melghat Forest Department, Paratwada. It is further submitted that the applicant has to work in various Departments of Forest, so that she should learn various skill of wildlife, geological areas of the Forest etc. It is further submitted that the applicant has not joined the transferred place, therefore, she is not entitled for any relief. Hence, the O.A. is liable to be dismissed.

4. Heard learned counsel for the applicant. As per his submission, the applicant could not join the transferred place,

because, her father died, she has a son aged about 4 years and old aged mother. There is nobody to look after her ailing mother and minor child, therefore, she could not join at the transferred place. The learned counsel has submitted that there are other places nearby to Deulgaon Raja, she can join the said places.

5. The learned counsel for the applicant has submitted that after the impugned transfer order, the respondents have modified the transfer order of some of the Forest Guards. Therefore, direction be given to the respondents to modify the transfer order.

6. On the last date, the learned counsel for the applicant had given information that postings at some places are still vacant. The Id. P.O. was directed to get the information. Today, he has filed the document which is marked Exh-X for identification. As per this document, the postings at Andhari, Titwi, Zodga-1, Nirod, Kawadgaon, Mohna, Pathdi, Waghdeo, Sindhkhed raja, Lonar, Malkapur are still vacant. Being lady the applicant could not join at the transferred place at Melghat Forest Department, Paratwada. As per the submission of the learned counsel, after the impugned transfer order, the respondents have modified the transfer orders of some employees. The respondents can modify the impugned transfer order of applicant also

7. As per the submission of applicant, she has a minor child aged about 4 years, her mother is old aged and she has to take her

mother for medical treatment at Aurangabad. The distance from Deoulgaon Raja to Paratwada is more than 300 Kms. and therefore she could not join the transferred place. Looking to the submission, the following order is passed-

**ORDER**

- (i) The O.A. is partly allowed.
- (ii) The impugned transfer order dated 7/8/2020 to the extent of applicant only is quashed and set aside.
- (iii) The respondents are directed to post the applicant at any vacant posts as per Exh-X (letter dated 22/12/2021).
- (iv) No order as to costs.

**Dated** :- 23/12/2021.

**(Justice M.G. Giratkar)**  
**Member (J).**

dnk.\*

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

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Member (J).

Judgment signed on : 23/12/2021.

Uploaded on : 24/12/2021.