

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 538 OF 2021**

**DISTRICT:- LATUR**

Manohar S/o Kerba Suryawanshi  
Age: 48 years, Occu.: Service :  
Govt. Servant, R/o : Latur.

**APPLICANT.**

**V E R S U S**

1. The State of Maharashtra,  
Through its Secretary,  
Skill Development and  
Entrepreneurship Department,  
Mantralaya, Mumbai-32.
2. The Director (Vocational Education)  
Directorate of Vocational Education  
and Training, Maharashtra State  
3 Palika Marg, Post Box number  
100/36 Mumbai 400 001.
3. The Joint Director  
Vocational Education and  
Training, Regional Office,  
Badkal Gate, Aurangabad.
4. The Principal,  
Industrial Training Institute,  
Ausa Road, Latur,  
Tq. and Dist. Latur.
5. Anand R. Shendre  
Age : Major, Occu.: service,  
R/o: ITI College Latur,  
Tq. & Dist. Latur.

**.. RESPONDENTS.**

---

APPEARANCE : Shri U.P. Giri, learned counsel for  
the applicant.

: Shri M.P. Gude, learned Presenting  
Officer for the respondent authorities.

: Shri S.B. Jadhav, learned counsel for  
respondent No. 5 (**absent**).

---

-----  
**CORAM : JUSTICE SHRI P.R.BORA, VICE CHAIRMAN**

**DATE : 18.04.2023**  
-----

**ORAL ORDER**

Heard Shri U.P. Giri, learned counsel appearing for the applicant and Shri M.P. Gude, learned Presenting Officer appearing for the respondent authorities.

Shri S.B. Jadhav, learned counsel for respondent No. 5 **(absent)**.

2. It is the grievance of the applicant in the present Original Application that despite repeated request made by the applicant to the respondents seeking posting at Latur on the ground that his wife is suffering from disease known as 'multiple sclerosis' since 2015 and requires day to day attendance, as well as, visit to the Government Hospital at Latur, the respondents have not considered his request and has not given him posting as requested by him. Learned counsel appearing for the applicant invited my attention to the medical papers placed on record showing the nature of the disease suffered by wife of the applicant and the treatment required to be given to her. Learned counsel also pointed out that in the year 2019 the applicant had approached the Hon'ble High Court by filing W.P.

No. 2876/2019 and Hon'ble High Court also had directed the respondents to consider the request of the petitioner. However, at that time the request was not favourably considered. Learned counsel submits that the health of the wife of applicant is now deteriorating and in the present circumstances the presence of the applicant is very much required at Latur. Learned counsel further submitted that one post of Group Instructor is vacant at Latur to which the applicant can be transferred by the respondents. Learned counsel in the circumstances has prayed for allowing the Original Application and sought directions against the respondents for his posting at Latur on the said vacant post.

3. Learned Presenting Officer has opposed the contentions raised in the Original Application and the prayers made therein. Learned P.O. submitted that while effecting transfer of the Government employees the respondents have to follow the guidelines time to time issued in this regard and all these transfers are made having considered the period spent by the employee at the existing post. Learned P.O. further submitted that the applicant was posted at Devni on promotion and applicant could not have had any grievance about the said posting. Learned P.O. submitted that at Devni the applicant has not even completed the period of 2 years and, as such, the

case of the applicant cannot be considered for transfer. Learned P.O. in the circumstances, prayed for rejecting the present Original Application.

4. After having considered the arguments as are advanced by the learned counsel appearing for the applicant and learned Presenting Officer and after having gone through the documents filed on record, it is revealed that the reasons which the applicant has assigned for seeking transfer at Latur appears to be genuine one. It is not the case of the respondents that the applicant was posted at Latur and has spent most of the period of his service career at Latur. On the contrary, as has been contended by the applicant, he has been frequently transferred within last few years and though the post was vacant at Latur his case was not considered for giving him posting at Latur. The fact as has been stated by the applicant that there is one post of the Craft Instructor still vacant at Latur, has not been denied or disputed by the respondents. It appears to me that when the reason as has been assigned by the applicant pertains to serious ailment of his wife, the request of the applicant deserves to be considered positively. It is not the case of the respondents that the ground of ailment of his wife as has been assigned by the applicant is false or frivolous. In the circumstances, it appears to me that the present Original

Application can be disposed of with the following directions to the respondents: -

**ORDER**

- (i) The respondents shall consider the request of the applicant positively for his transfer in the ensuing general transfers or even especially having regard to the reason as has been assigned by the applicant.
- (ii) The Original Application stands disposed of in the aforesaid terms with no order as to costs.

**VICE CHAIRMAN**