

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 640 of 2021 (SB)
WITH CIVIL APPLICATION No. 230/2021

Santosh Sheshrao Waghmare,
Aged about 49 years, Occ. Service,
Agriculture Supervisor, at office of Taluka Agriculture
Officer, Brahminwada Thadi, Tq. Chandur Bazar,
District Amravati
Permanent postal address – At Adgad Nagar,
Near Nirmal Residency, Shegaon Road, Amravati-444 604.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Secretary Agricultural,
Animal Husbandry,
Dairy and Fisheries Development,
Mantralaya Extension, Mumbai-32.
- 2) The Commissioner of Agriculture
Maharashtra State, Pune-01.
- 3) The Divisional Agricultural Joint Director,
Amravati Division, Amravati.
- 4) Ku. Shubhangi Keshavrao Bonde,
Agriculture Supervisor at the office of Taluka
Agriculture Officer, Amravati under Circle Officer,
Walgaon, Tah. & District Amravati -444 801.

Respondents.

Shri Y. P. Kaslikar, Advocate for the applicant.

Shri A.M. Khadatkhar, P.O. for respondent nos.1 to 3.

Shri G.R. Sadar, Advocate for respondent no.4.

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

Dated :- 06/12/2021.

JUDGMENT

Heard Shri Y.P. Kaslikar, learned counsel for the applicant, Shri A.M. Khadatkar, learned P.O. for respondent nos.1 to 3 and Shri G.R. Sadar, learned counsel for respondent no.4.

2. The applicant is working as Agriculture Supervisor. He was working at Brahminwada and after completion of normal tenure, he was due for transfer, therefore, he had given three options for transfer. The three options were given as under –

- (1) Bio-pest Control Laboratory, Amravati.
- (2) Taluka Agriculture office, Amravati.
- (3) Divisional Agriculture Joint Director Office, Amravati.

3. The respondent nos.1 to 3 transferred the applicant to Achalpur on the post of Agriculture Supervisor. It is contended that to accommodate the respondent no.4, the applicant is not transferred to any place out of options given by him, therefore, the applicant prayed to quash and aside the transfer order dated 2/8/2021.

4. The O.A. is opposed by the respondent nos.1 to 3. The respondent no.3 filed detailed reply. In para-6,7&8, it is stated that one Dattakumar A. Ingole was working on the post Agriculture Assistant. He was due for promotion to the post of Agriculture Supervisor. Accordingly, he was promoted to the post of Agriculture

Supervisor by order dated 2/6/2021 and he was posted in the office of respondent no.3. The respondent no.4 was also due for promotion to the post of Agriculture Supervisor. She was accordingly promoted by order dated 16/07/2021 and posted at Taluka Agriculture Office, Amravati on the vacant post of Shri Rajendra Dharmale. It is submitted in para-8 of the reply that the places of options given by the applicant were not vacant and therefore the applicant was not posted at any place out of options given by him.

5. Heard learned counsel for the applicant. He has submitted that the applicant is senior as compared to the respondent no.4, therefore, the respondent nos.1 to 3 ought to have posted the applicant at any place out of options given by him.

6. The learned P.O. submitted that as per the G.R. issued by the Government, the applicant should have given 10 options for consideration of his new posting, but he has given only three choices and that places were not vacant and therefore the applicant was not posted at any place out of options given by him.

7. Heard learned counsel for respondent no.4. He has submitted that the respondent no.4 was due for promotion. Accordingly, she was promoted and posted as Agriculture Supervisor at the office of Taluka Agriculture Officer, Amravati. Therefore, the

applicant cannot claim the place of posting where the respondent no.4 is promoted and posted.

8. There is no dispute that as per the Govt. G.R., the employee who is due for transfer is required to give 10 options for posting, but the applicant has given only three options in his request letter dated 23/7/2021. The applicant is transferred from Brahminwada, Tah. Chandur Bazar, District Amravati to Achalpur as per the transfer order dated 2/8/2021. As per the affidavit-in-reply filed by the respondent no.3, it is clear that the places as per choices were not vacant, those places were already filled by promotion, therefore, the applicant could not be posted at any place out of options given by him. The applicant has given only three options and those places were already filled by promotion. The applicant should have given 10 options as per guidelines in the Govt. G.R.

9. In that view of the matter, the impugned transfer order, transferring the applicant from Brahminwada, Tah. Chandur Bazar, District Amravati to Achalpur cannot be said to be illegal. Hence, the O.A. is disposed off. The C.A. is also disposed off accordingly. No order as to costs.

Dated :- 06/12/2021.

(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 : 06/12/2021.

Uploaded on : 08/12/2021.