

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 654 OF 2022

**DISTRICT:- AURANGABAD /
LATUR**

Shivanand S/o Dagdu Koli,
Age 47 years, Occ. Service
Presently working as Havaldar
Dist. Prison Nandgaon Latur

APPLICANT.

V E R S U S

1. The State of Maharashtra,
Through its Principal Secretary,
Home Department, Mantralaya,
Mumbai-32.
2. The Dy. Inspector General of Prison
Central Prison, Harsul,
Dist. Aurangabad.
3. The Superintendent of Prison
Central Prison, Harsul,
Dist. Aurangabad.
4. The Superintendent of Prison
Dist. Prison, Nandgaon,
Latur.

.. RESPONDENTS.

APPEARANCE : Shri M.S. Chaudhari, learned counsel for
the applicant.

: Shri V.R. Bhumkar, learned Presenting
Officer for the respondent authorities.

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

DATE : 24.04.2023

ORAL ORDER

Heard Shri M.S. Chaudhari, learned counsel for the
applicant and Shri V.R. Bhumkar, learned Presenting Officer for
the respondent authorities.

2. The grievance of the applicant is that he has been transferred at a station for which he has not given any option. The applicant is working as Police Hawaldar and he has been transferred from Aurangabad to Latur. As has been submitted by learned counsel for the applicant, the applicant had given 5 places of option, wherein Latur was not there. It is his contention that respondents must have considered any place out of said 5 choice places for effecting transfer of the applicant. In the circumstances, prayer has been made in the present Original Application for quashment of the order dated 26.5.2022, whereby the applicant has been transferred from Aurangabad to Latur. In the alternative it has been prayed that the applicant may be transferred at any of the place for which he has given his choice.

3. The contention so raised is opposed by the respondents. It is contended in the affidavit in reply filed on behalf of the respondents that the applicant was working at Aurangabad for more than 12 years and was, therefore, due for transfer. It is further contended that the applicant was expected to give choice for 10 places. He gave only 5 choices out of which 2 posts were at Aurangabad. Learned P.O. submitted that having considered the vacancy position, the applicant was transferred at Latur and

there are no *mala fides* or any other consideration for transferring the applicant from Aurangabad to Latur. Learned P.O. in the circumstances, has prayed for rejecting the present Original Application.

4. After having heard learned counsel for the parties and after having gone through the pleadings and the documents filed on record, apparently there appears no case for the applicant. It need not be stated that when the post is transferrable it has to be borne in mind by the Government employees, that transfer is an incident of service. After having worked at Aurangabad for 12 years, if the applicant has been transferred at some different place, there is no reason for him to make any grudge against the respondents. The applicant also cannot insist that he must be given posting as per choices given by him. Administration may have certain other difficulties for not considering the request of the applicant and moreover as of right no employee can insist for the transfer at any particular place.

5. During the course of the arguments one more submission was made by the learned counsel that mutual transfer is possible of the applicant since one person from Aurangabad is ready to go Latur. There are different norms for considering the

request for mutual transfer. In the present matter if it is the case of the applicant that mutual transfer is possible, he is at liberty to make an application to the respondent authorities, which may be considered on its own merit. In the present matter, however, no relief can be granted to the applicant.

6. With the above observations, the Original Application stands dismissed without any order as to costs.

VICE CHAIRMAN

O.A.NO.654-2022 (SB)-2023-HDD-transfer