

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 712/2017 (S.B.)

Nilesh S/o Prakash Gaund,
Aged about 34 years,
Occ. Service as Naib Tahsildar,
Tumsar, District Bhandara r/o Tumsar,
District Bhandara.

Applicant.

Versus

- 1) The State of Maharashtra,
through its Chief Secretary,
Mantralaya, Mumbai- 400 032.
- 2) The State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Government of Maharashtra,
Mantralaya, Mumbai-400 032.
- 3) The Secretary,
General Administration Department,
State of Maharashtra,
Mantralaya, Mumbai-400 032.

Respondents.

Shri R.S. & P.R. Parsodkar, Advocates for the applicant.

Shri S.A. Sainis, P.O. for respondents.

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

JUDGMENT

(Delivered on this 1st day of April,2019)

Heard Shri R.S. Parsodkar, learned counsel for the
applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. It is grievance of the applicant that in spite of the order passed by the Minister on 13/10/2015 to transfer the applicant from Nagpur Revenue Division to Pune Revenue Division, these orders are not complied by the respondent nos. 1 to 3, therefore, necessary direction be given to the respondents to comply the order.

3. The representation was made by the applicant to the Government that his father was heart patient and his sister was suffering from *Epilepsy* and for the medical treatment of both father and sister it was necessary for the applicant to serve near his home town which was in Pune Revenue Division. In view of the circumstances the applicant requested the respondent no.1 to post him in Pune Revenue Division. After receiving the representation it was examined by the officers and note sheet was prepared and it was placed before the Hon'ble State Minister Revenue Department and it was approved by the Hon'ble State Minister. It was directed by the Hon'ble Minister that the applicant be transferred as per his request with clear understanding that he would loose his seniority and he shall not challenge the seniority, otherwise he would be liable for departmental action. In the note sheet it was also mentioned that on affidavit undertaking was given by the applicant that on his transfer to Pune Division he was ready to accept the seniority as per the rules framed by the Government and he would not challenge his seniority,

otherwise he would be liable for the departmental action. It seems that in spite of this specific direction given by the Minister for the State the direction was not complied, consequently, time to time representations were made by the applicant and ultimately it was informed to him that some of the Naib Tahsildars who were transferred from one Division to other Division, challenged their seniority in the MAT/ Hon'ble High Court and consequently there was dissatisfaction in the cadre of Naib Tahsildar in the respective Revenue Division and for this reason it was decided by the Government to reject the request for inter division transfer.

4. I have gone through the reply submitted by the State. On page no.3 of the reply it is stated that if the applicant is transferred to another Revenue Division, it will cause prejudice to the Naib Tahsildars serving in that Revenue Division, therefore, the request was rejected and there is no wrong in it.

5. It appears from the facts and circumstances of the case that considering the genuine difficulties of the applicant his request was accepted subject to certain conditions by the Hon'ble Minister. The applicant also submitted affidavit that he would accept his seniority in the Pune Revenue Division, as per the rules framed by the Government and if any dispute would be raised by him, he would be liable for departmental action. In my opinion as the applicant is ready

to loose his seniority and has also given undertaking that he would not challenge his seniority in the Pune Revenue Division, therefore, there was no reason for rejecting the request of the applicant. In the result, I pass the following order –

ORDER

The O.A. is allowed. The Respondents are directed to transfer the applicant to Pune Revenue Division subject to condition that the applicant would loose his seniority and the applicant shall not dispute and challenge his seniority which will be fixed in Pune Revenue Division. No order as to costs.

Dated :- 01/04/2019.

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

*dnk.