

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.454 of 2020

District : MUMBAI

Shri Sunil A. Golokar)
Age : 36 years, Occ : State Tax Officer)
R/at Room No.202, Harsh-Darmesh Society,)
Dombivali (W), Dist. Thane. Pin 421 202.)...**Applicant**

Versus

1. State Of Maharashtra, through its)
Secretary, Finance Department,)
Mantralaya, Mumbai 400 032.)
2. The Commissioner of Sales Tax, M.S.)
New Building, E-Wing, 3rd floor, GST)
Bhavan, Mazgaon, Mumbai 400 010.)...**Respondents**

Shri C.T. Chandratre, learned Advocate for the Applicant.

Shri A. J. Chougule, learned Presenting Officer for the Respondents

CORAM : Shri A.P. Kurhekar, Member-J

DATE : 19.01.2021

J U D G M E N T

In the present Original Application, the Applicant has raised grievance for non getting posting as per choice given by him in terms of G.R. dated 09.04.2018. The Applicant was serving as State Tax Officer, Mumbai and was due for transfer in general transfer of 2020. He had given options of Akola, Washim and Khamgaon stating that his wife is serving in State Bank of India, Akola and have son of six years old who is staying with mother. He alone stay in Mumbai, and therefore, requested for posting at Akola. However, he is transferred in Mumbai itself as a local transfer from one section to another section. He has also

made representation on 28.07.2020 to accommodate him at Akola. He had also raised ground of discrimination that others who were not due for transfer were accommodated as per their options.

2. Shri C.T. Chandratre, learned Counsel for the Applicant submitted that one post of State Tax Officer is presently also vacant at Akola and requested to give directions to the Respondents to accommodate him at Akola.

3. True, the Government servant cannot asks for particular post as of right. However, in terms of G.R. dated 09.04.2018, the Government had adopted policy for transfer on counseling so as to minimize the grievance of Government servants and to accommodate them as far as possible as per their options. As per G.R. dated 09.04.2018, consideration is required to be given for transfer of the Applicant at place where his wife resides so that couple can stay together.

4. At this juncture, Shri A. J. Chougule, learned P.O. was asked to take instructions from the Respondent No.2 as to whether post is vacant at Akola and the Applicant can be accommodated there. Accordingly, he took instructions from Shri Atul Ghusale, Asstt. Commissioner in the office of Sales Tax, Mumbai and stated that the Respondent No.2 is ready to accommodate the Applicant on vacant post at Akola. He has further clarified that the post at Akola had fallen vacant recently on 23.07.2020.

5. In view of above, Original Application is disposed of with directions to Respondent No.2 to pass posting order of the Applicant within a week from today.

6. Original Application is accordingly disposed of with no order as to costs.

Sd/-

(A.P. KURHEKAR)
MEMBER (J)

Date : 19.01.2021
Place : Mumbai
Dictation taken by :
Vaishali Santosh Mane
Uploaded on :

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