

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.528 OF 2019

DISTRICT : KOLHAPUR

Shri Abhilasha A. Chile.)
Scrutiny Clerk, Land Record Office, Karad,))
Residing at 736, Pragati Nagar, Pachgaon,))
Kolhapur – 416 001.)...**Applicant**

Versus

1. The State of Maharashtra,)
Through Principal Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai-32.)
2. The Settlement Commissioner &)
Director of Land Records, M.S,)
Pune.)
3. Dy. Director, Land Record,)
Pune Region, Pune.)...**Respondents**

Mrs. Punam Mahajan, Advocate for Applicant.

Mrs. K.S. Gaikwad, Presenting Officer for Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 22.08.2019

JUDGMENT

In the present O.A, the Applicant is seeking direction to the Respondents to consider her representation dated 25.05.2019 for her transfer at Kolhapur or at Karveer, District Kolhapur on the ground

that she has already completed six years' tenure but not transferred in general transfers.

2. The learned Advocate for the Applicant submits that the Applicant is staying with her baby at Karad and her husband is serving in HDFC Bank at Kolhapur. Admittedly, the Applicant has completed six years' tenure at Karad. As she was due for transfer in general transfer of 2019, she has requested to transfer her at Kolhapur or Karveer in view of policy of Government in terms of G.R. dated 9th April, 2018 which *inter-alia* provides that posting should be given to the husband and wife at one place preferably. However, in general transfer, she was not transferred though some other employees who have not completed six years' tenure have been transferred. She, therefore, raised grievance of discrimination and inhuman approach on the part of Respondents.

3. True, only because the Applicant has completed six years' tenure, he cannot ask for transfer as of right. But the fact remains that she has completed normal tenure, and therefore, she was required to be considered for transfer preferably on humanitarian ground because of having small baby and in the light of G.R. dated 09.04.2018. However, the same is not considered.

4. The learned P.O. for the Respondents sought to contend that because of administrative exigency, the Applicant was retained. She admits that some of the employees though not completed six years were transferred.

5. The perusal of record reveals that the transfer of the Applicant was in fact recommended by Collector, Satara. However, the Civil Services Board declined the same on the ground of insufficient staff.

6. In view of above, the O.A. deserves to be disposed of with suitable directions. Hence, the following order.

ORDER

- (A) The O.A. is disposed of.
- (B) The Respondent No.2 is directed to consider the representation of the Applicant dated 25.05.2019 afresh in proper perspective and shall pass appropriate order in terms of instructions issued in Government Resolution dated 09.04.2018 within two months from today and the same shall be communicated to the Applicant within two weeks thereafter.
- (C) If the Applicant felt aggrieved by the said decision, she will be at liberty to take recourse of law.
- (D) No order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai
Date : 22.08.2019
Dictation taken by :
S.K. Wamanse.