

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 81 of 2017

Shrikant Dinkarrao Londhe,
Aged 51 years, Occ. Service,
R/o Sarkar Nagar, Chandrapur,
Tq, and Dist. Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra,
through its Secretary, Higher and Technical
Education Department, Mantralaya, Mumbai.
- 2) Director of Technical Education,
3, Mahapalika Marg, Post Box no.1967,
Mumbai (M.S.), Mumbai.
- 3) Government College of Engineering,
Chandrapur through its Principal,
Ballarpur Bye-pass Road, Babupeth,
Chandrapur, Tq. & Dist. Chandrapur.

Respondents

Shri P.S. Patil, Advocate for the applicant.

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

**Coram :- Hon'ble Shri J.D. Kulkarni,
Vice-Chairman (J).**

JUDGEMENT

(Delivered on this 31st day of October,2017)

Heard Shri P.S. Patil, Id. Counsel for the applicant and
Shri S.A. Sainis, Id. P.O. for the respondents.

2. The applicant is working as Associate Professor. On 6/6/2005 he was transferred from Engineering College Pune to the respondent no.3's College at Chandrapur and since 2005 he is working at Chandrapur.

3. As per the G.Rs. issued by the Government dated 11/7/2000 and 6/8/2002, the Officers who have served in the Tribal and naxalite affected area for two years are entitled to seek choice posting. The applicant has completed two years period in 2007 but in spite of his repeated efforts, he did not get transfer of his choice. In fact the applicant's case has been recommended for transfer by respondent no.3 but no action has been taken till today and therefore the applicant was constrained to file this O.A. The applicant has requested that the respondents be directed to issue transfer order in his favour and he be transferred to Amravati from Chandrapur and proposal sent by respondent no.3 to respondent no.1 on 11/5/2016 be sanctioned.

4. The respondent nos. 1 to 3 have admitted in their reply-affidavit that the applicant is serving at Chandrapur from last 11 years. It is stated that the directions in the G.R. referred by the applicant are directory and not mandatory.

5. Vide order dated 19/9/2017 the learned P.O. was directed to take instructions as to whether the post of Associate Professor is lying vacant at Amravati. Accordingly, the learned P.O. submitted statement from which it seems that five posts are lying vacant at Amravati. The learned P.O. was, therefore, directed to take instructions as to whether the respondents are ready to accommodate the applicant at Amravati and if yes, within how many days,

6. The learned P.O. on instructions submitted that a proposal to accommodate the applicant on one of the five posts vacant at Amravati has been submitted to the Minister but no order has been passed by the Minister.

7. Perusal of the G.R. referred by the applicant clearly shows that the Government has taken a policy decision to grant choice post to the employees who served in naxalite affected area after completion of their tenure in such area. The normal tenure of in such area is of two years'. The applicant has served for 11 years in naxalite affected area and therefore there is no reason as to why the respondents cannot comply with its own guide lines in the G.R. referred in the O.A. Since the applicant's case now has already been recommended to the concerned Minister, the learned counsel for respective parties agreed that the application can be disposed of with appropriate directions. In view thereof, the following order :-

ORDER

The O.A. is allowed. The respondent no.1 is directed to take appropriate decision on the proposal of respondent no.3 dated 11/5/2016 (Annex-A-7) and to issue transfer order in respect of applicant in any of the posts lying vacant at Amravati. Such transfer order shall be issued within six weeks from the date of this order. No order as to costs.

(J.D. Kulkarni)
Vice-Chairman (J).

dnk.