

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 225 OF 2020**

**(Subject:- Transfer)**

**DISTRICT:-JALNA**

**Subhash Marotiram Rathod,** )  
Age. 47 Years, Occu. Service as )  
Cooperative Officer, Grade-I, )  
In the office of Assistant Registrar, )  
Co-operative Society, Jafrabad, )  
Dist. Jalna. )  
R/o. B-42, New Shantiniketan Housing )  
Society, Trimurti Chowk, Aurangabad. ) **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra,** )  
Through: The Secretary, )  
Co-operation Department, )  
Mantralaya, Mumbai-32. )
2. **The Commissioner of Co-operation** )  
and Registrar, Co-operative Society, )  
Maharashtra State, )  
Pune-411001. )
3. **The Divisional Joint Registrar,** )  
Co-operative Society, )  
Aurangabad Division, )  
Kranti Chowk, Adalat Road, )  
Aurangabad. )
4. **Shri B.M. Navthar,** )  
Age. Major, Occu. Service as )  
Cooperative Officer, Grade-I, )  
R/o. C/o. Office of Assistant Registrar, )  
Cooperative Society, Gangapur, )  
Dist. Aurangabad. )

5. **Shri L.R. Wankhede,** )  
 Age. Major, Occu. Service as )  
 Cooperative Officer, Grade-I, )  
 R/o. C/o. Office of Dy. Registrar, )  
 Cooperative Society, )  
 Tq. Aurangabad, Dist. Aurangabad. )
6. **Shri P.V. Gavande,** )  
 Age. Major, Occu. Service as )  
 Cooperative Officer, Grade-I, )  
 R/o. C/o. Office of District Dy. Registrar )  
 Cooperative Society, Jalna. ) **RESPONDENTS**

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**APPEARANCE** : Shri K.B. Jadhav, learned Counsel  
 for the applicant.

: Shri N.U. Yadav, learned Presenting  
 Officer for the respondent authorities.

: Shri K.J. Suryawanshi, learned  
 counsel for respondent Nos. 4 & 6, is  
**absent.**

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**CORAM** : **Hon'ble Justice Shri V.K. Jadhav, Member (J)**

**DATE** : **05.01.2024.**

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### **O R A L - O R D E R**

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondent authorities.

2. By this Original Application, the applicant is challenging the transfer order dated 31.07.2020 (Annexure 'A-4') issued by the respondent No.3, thereby transferring the respondent Nos. 4 to 6 in Aurangabad District without

considering the request application of the applicant to transfer him at Aurangabad District on medical ground.

3. Brief facts giving rise to the Original Application are as follows:-

(i) The applicant was initially appointed as Clerk in the office of District Deputy Registrar, Jalna on 16.09.1991 and thereafter, he was transferred in the office of Assistant Registrar, Co-operative Society, Kannad in the month of May, 1994. He was thereafter promoted and transferred mostly in Aurangabad district. The applicant was promoted on the post of Cooperative Officer and posted in the office of Assistant Registrar, Cooperative Society, Jalna in the year 2013 and at present the applicant is working in the office of Assistant Registrar, Cooperative Society, Jafrabad, Dist. Jalna since 31.05.2019 and more particularly in Jalna District since 2013.

(ii) The applicant has submitted the representation to the respondent No.2 through Assistant Registrar, Cooperative Society, Jafrabad and through District Dy. Registrar, Cooperative Society, Jalna on 13.07.2020 requesting therein that he is suffering from heart problem and advised by the

Doctor not to travel the long distance and avoid the hard work and stressful work. His Angiography was also done and it was confirmed by the Doctor that he was suffering from heart disease. The applicant has therefore requested to transfer him at Gangapur, Paithan or Aurangabad. The copy of said representation dated 13.07.2020 is marked as Annexure 'A-1'.

(iii) Learned counsel for the applicant submits that the respondent No.3 has placed the case of applicant before the Civil Service Board and in the meeting of C.S.B. scheduled on 24.07.2020 it was decided that at present there was no vacant post in Aurangabad district and in future the case of the applicant will be considered on vacant post for transfer at Aurangabad District.

(iv) However, by impugned order dated 31.07.2020 respondent No.3 transferred the respondent Nos. 4 to 6 at Aurangabad district from their respective work places by not considering the request application submitted by the applicant. Hence, this Original Application.

4. Learned counsel for the applicant submits that the respondent No. 3 ought to have considered the request of the

applicant on medical ground in any place in Aurangabad district. The applicant is working in Jalna district since 2013 and now he is suffering from heart disease. Learned counsel for the applicant submits that there is sufficient documentary evidence in the form of medical reports and Doctor's advice to support the contention of the applicant. Even on 06.04.2020, his Coronary Angiogram Surgery was done in Dr. Hedgewar Hospital, Aurangabad and he was admitted there in the said hospital for medical treatment and now he is taking regular follow-up treatment in the said hospital. Learned counsel for the applicant submits that even the Civil Service Board has also considered the medical ground raised by the applicant, however, for want of vacancy in Aurangabad it is decided by the members in the said scheduled meeting on 24.07.2020 that the request of the applicant will be considered even before completion of his normal tenure for transfer at Aurangabad district.

5. Learned counsel for the applicant submits that at present he has completed his normal tenure of 3 years at Jafrabad, Dist. Jalna and in view of same, his request may be considered on medical ground to transfer him at any place in Aurangabad District. Learned counsel for the applicant

submits that the applicant would be satisfied if this Original application is disposed of by giving directions to that extent.

6. Learned P.O. submits that during entire service period the applicant has spent maximum period of his service in Aurangabad City and District and he is again requesting for his transfer to Aurangabad. Learned P.O. submits that in Aurangabad Division there are two districts namely Parbhani and Hingoli where the applicant has never worked. Learned P.O. submits that considering the same and the fact that there is no vacancy available in the Aurangabad District, the respondent No.3 has not considered the request of the applicant.

7. The Learned P.O. submits that so far as the respondent Nos. 4 to 6 are concerned, they have been transferred in the general transfer because they have completed their normal tenure and they were due for transfer. They have been transferred by following all the rules and regulations pertaining to transfer of the Government employees. Even their transfer was recommended by the Civil Services Board in its meeting dated 24.07.2010. Learned P.O. submits that there is no question of giving them prevalence over the transfer request of the applicant. The

learned P.O. submits that there is no substance in the Original Application and same is liable to be dismissed.

8. Learned P.O. in the alternate submits that on the basis of request application submitted by the applicant the proposal was forwarded to respondent No.2 and its further decided that as and when the vacancy arises in Aurangabad District, the applicant's request will be considered positively.

9. It appears that the applicant is suffering from heart disease and there is sufficient medical evidence in support of his illness. It cannot be ignored that since 2013 the applicant is working in Jalna District in various capacities and he has also completed his normal tenure as of now. However, the Civil Services Board has also decided that the case of the applicant is fit to consider on medical ground as and when the vacancy arises in Aurangabad District even before completion of normal tenure of the applicant. Further it appears that the applicant has undergone Angiography at Dr. Hedgewar Hospital, Aurangabad and he supposed to take follow-up from time to time and regular check up in the said hospital in the future. I find much substance in the submissions made on behalf of the applicant that this

medical facility in connection of the heart disease may not be available at other places compare to Aurangabad City. Even the applicant is ready to work in Aurangabad District at any place. In view of same, I am inclined to give direction to the respondents to consider the request of the applicant for transfer him to Aurangabad District on medical ground in upcoming general transfer of the year April-May 2024. Hence, the following order:-

**ORDER**

- (A) The Original Application No. 225 of 2020 is hereby partly allowed.
- (B) The respondents are hereby directed to consider the request of the applicant to transfer him to Aurangabad District on medical ground in upcoming general transfer of the year April-May, 2024.
- (C) In the circumstances, there shall be no order as to costs.
- (D) The Original Application stands disposed of.

**MEMBER (J)**

**Place:-Aurangabad**

**Date : 05.01.2024**

SAS O.A. 225/2020 (S.B.) VKJ Transfer.