

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO.46/2022

DISTRICT:- BEED

Shri Adinath s/o Ashruba Nagargoje,
Age: 35 years, Occu. Service as
Clerk cum Typist, At post: Karajwan,
Tq. Patoda Dist: Beed- 414204.

...APPLICANT

V E R S U S

1) The State of Maharashtra
Through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai.

2) The Principal Chief Conservator
of Forest (HOFF) Nagpur,
Maharashtra State, Van Bhavan,
Ramgiri Road, Civil Line,
Near police gym khana,
CBI Colony. Nagpur.

3) The Conservator of Forests,
(Regional), Aurangabad,
"Vanbhavan", Usmanpura,
Railway Station Road. Aurangabad.

4. The Divisional Forest Officer,
Social Forest Department, Parbhani,
Near Rajgopalachari Garden,
Shivaji Nagar, Parbhani.

...RESPONDENTS

APPEARANCE :Ku. Anagha Pandit, Counsel holding
for Talekar & Associates for Applicant.

:Shri M.S.Mahajan, Presenting Chief
Officer for the respondents.

**CORAM : HON'BLE SHRI JUSTICE P.R.BORA,
VICE CHAIRMAN**

Decided on : 21-02-2023

ORAL ORDER :

1. Heard Ku. Anagha Pandit, learned Counsel holding for Talekar & Associates for the applicant and Shri M.S.Mahajan, learned Chief Presenting Officer for the respondent authorities

2. Present applicant had applied for her transfer to the post of Forest Guard from the post of Clerk-cum-Typist. According to the applicant such course is permissible and reliance is placed on the provision under Rule 27(1)(b) of the Maharashtra Civil Services (General Conditions of Service) Rule, 1981. Learned Counsel for applicant submits that, in so far as the candidates appointed on compassionate ground are concerned, the conditions as about the eligibility on physical grounds are relaxed. Applicant is continuously requesting for such transfer since 2018 and has time to time submitted the representations, however, the authorities concerned have not decided the said same.

3. In the affidavit in reply filed on behalf of respondent nos.1 to 4, in paragraph 6 it is stated that application of the applicant is forwarded by respondent no.4 to the respondent no.3 and it is pending for adjudication.

4. Having regard to the facts as aforesaid, without going into the merits of the contention raised in the O.A. by the applicant as well as the respondents, the present O.A. can be disposed of with the following directions:

O R D E R

[i] Respondent no.3 or whoever may be the competent authority, shall take decision on the representation submitted by the present applicant within 8 weeks from the date of this order and communicate the said decision to the applicant.

[ii] Need not to state that, even thereafter if grievance remains, it will be open for the applicant to approach the Tribunal.

[iii] O.A. stands disposed of in the aforesaid terms.

[iv] No order as to costs.

VICE CHAIRMAN

Place : Aurangabad
Date : 21.02.2023.