

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 465/ 2023 (S.B.)

Kishori Sambhaji Kelkar,
(Kishori Prashant Shahare),
Aged 46 years, Occu. Junior Geologist,
R/o-C/o D.K.Asikar, Plot No. 66,
Aishverya Colony, Tukum, Chandrapur.

Applicant.

Versus

- 1) The Secretary,
Department of Water Supply & Sanitation,
Lokmanya Tilak Marg,
New Mantralaya Building, Mumbai- 01.
- 2) The Commissioner,
Ground Water Survey & Development Agency,
New Agricultural Building,
1st Floor, Bhoojal Bhawan,
Shivaji Nagar, Pune-05.
- 3) The Deputy Director,
Ground Water Survey & Development Agency,
Civil Lines, Nagpur-01.

Respondents

Shri S.M.Khan, Id. Advocate for the applicant.

Shri M.I.Khan, Id. P.O. for the Respondents.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.

Dated :- 26.06.2023.

JUDGEMENT

Heard Shri S.M.Khan, Id. counsel for the applicant and Shri
M.I.Khan, Id. P.O. for the Respondents.

2. The applicant was working at Chandrapur in Naxal affected area from 27.09.2013. As per impugned transfer order, she is transferred to Gondia. The applicant has made representation for choice posting on 28.02.2023 (P. 40). In the representation she requests for transfer at Nagpur but instead of giving her choice posting, she is again transferred to Naxal affected area i.e. Gondia. Therefore, applicant approached to this Tribunal to quashed and set aside the order dated 16.05.2023.

3. Reply is not filed by ld. P.O.. Hence, matter is heard finally.

4. Ld. P.O. Shri Khan has pointed out transfer order, name of the applicant is at Sr. No. 20, she is transferred from Chandrapur to Gondia. One S.S.Bagde is transferred from Gondia to Chandrapur. Ld. P.O. has submitted that Bagde is not made party. Ld. P.O. submits that applicant is already relieved and Bagde has joined at Chandrapur on 29.05.2023. He has filed the joining letter of Bagde. The relieving letter of applicant is also filed on record those are marked Exh. X and Exh. X-1 for the purpose of identification.

5. Now, there is no dispute that applicant is relieved and one Bagde is joined in place of applicant.

6. The Government has issued G.R. dated 06.08.2002. The Government has given the guideline in the said G.R. 'that the employee who has completed three years of service (normal tenure in naxal area)

they have to be given choice posting'. The applicant was serving in Chandrapur from 2013 (Approx. 9 years). Therefore, respondents have to followed the guidelines given in the G.R. dated 06.08.2002. Respondents have not followed the guidelines given in the G.R. dated 06.08.2002, instead of giving her choice posting. She has been transferred to Naxal area. The applicant is already relieved and one Bagde is already joined at Chandrapur. Therefore, impugned transfer order cannot be cancelled. However, direction can be given to the respondents. Hence, the following order:-

ORDER

- A. O.A. is partly allowed.
- B. Respondents are directed to give choice posting as per G.R. dated 06.08.2002 within a period of one month from the date of receipt of this order.
- C. No order as to costs.

(Shri Justice M.G.Giratkar)
Vice Chairman

Dated :- 26/06/2023.
aps

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Akhilesh Parasnath Srivastava.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 26/06/2023.
and pronounced on

Uploaded on : 26/06/2023.