

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 766/2023 (S.B.)

Rahul S/o Dnyaneshwar Rao Wagh,
Aged about 34 years,
Occupation - Service, R/o Malu Layout,
Near Mungsaji Mauli Sabhagruha,
Dastur Nagar,
Amravati-444 606.

Applicant.

Versus

- 1) State of Maharashtra,
Through Secretary,
Revenue Department,
Mantralaya, Mumbai.
- 2) Sub-Divisional Officer,
Office of Sub-Divisional Officer,
Teosa-Bhatkuli,
Dist - Amravati.
- 3) Shri Nilesh T. Raibole,
Aged about 38 years,
Occupation - Service,
Office address : Office of Talathi at Saza – Antapur,
Tahsil – Bhatkuli, Dist - Amravati, Maharashtra.

Respondents

S.P.Agrawal, Id. Advocate for the applicant.

Shri H.K.Pande, Id. P.O. for the Respondents 1 & 2.

Shri C.A.Babrekar, Id. counsel for the R-3.

Coram :- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated :- 07.11.2023.

JUDGEMENT

Heard S.P.Agrawal, ld. counsel for the applicant, Shri H.K.Pande, ld. P.O. for the Respondents 1 & 2 and Shri C.A.Babrekar, ld. counsel for the Respondent no. 3.

2. The applicant is seeking transfer at Waigaon. The learned counsel for the applicant has pointed out the Government G.R. dated 09.04.2018. The applicant is not due for transfer. The applicant had given options to transfer him at (i)Kawatha Bahale, (ii)Waigaon, (iii)Kamnapur, but he is not transferred at the same place. He is retained at Purnanagar, Taluka Bhatkuli.

3. The respondents no.3 was transferred as per the Government policy to post husband and wife together at the same place. Wife of respondent no.3 was working as Talathi, at Kamnapur, Taluka Bhatkuli and the respondent no.3 is given posting at Waigaon, Taluka Bhatkuli near village of Kamnapur in Amravati District.

4. The applicant is not transferred from one post to other and not from one place to another. As per the definition of transfer defined under the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 vide Section 2(i) it is not a transfer. Section 2(i) "**Transfer**" means posting of

a Government Servant from one post, office or department to another post, office or Department. The applicant is not transferred from one post, office or department. Hence, it is not a transfer. While issuing notice this Tribunal has recorded reasons in para 4 as under-

4. The learned counsel for applicant has submitted that the applicant is not relieved to join at the transferred place. There is nothing on record to show that the applicant is not relieved. The applicant is relieved as per the order dated 27/6/2023. Moreover, One Shri Raibole was posted at Waigaon, as per the scheme of Government to post husband and wife together at the same place. It appears that there is nothing wrong on the part of respondents.

5. The applicant is at liberty to make representation if he wants. Hence, the following order.

ORDER

The O.A. is dismissed with no order as to costs.

**(Shri Justice M.G.Giratkar)
Vice Chairman**

**Dated :- 07/11/2023.
rsm**

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

Name of Steno : Raksha Shashikant Mankawde.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 07/11/2023.
and pronounced on