

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 895/2023 (S.B.)**

Dr. Nandram S/o Sitaram Sonkusare,  
Aged about 55 years,  
Occ. Service (working as Livestock Development Officer  
at Panchayat Samiti Lakhandur,  
Dist. Bhandara), Resident of Lakhandur,  
Dist. Bhandara.

**Applicant.**

**Versus**

- 1) State of Maharashtra,  
Through Secretary,  
Animal Husbandry,  
Dairy & Fisheries Department,  
Mantralaya, Mumbai- 400 032.
- 2) Commissioner of Animal Husbandry,  
Maharashtra State Central Building,  
Opposite Spicer College, Aundh,  
Pune – 411 007.
- 3) Regional Joint Commissioner,  
Animal Husbandry, Civil Lines,  
Nagpur-440 001.
- 4) The Chief Development Officer,  
Zilla Parishad, Bhandara,  
N.H. 6, Police Campus,  
Bhandara.

**Respondents**

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**Shri C.D.Dhore, Id. Advocate for the applicant.**

**Shri M.I.Khan, Id. P.O. for the respondents.**

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**Coram :- Hon'ble Shri M.A.Lovekar, Member (J).**

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**JUDGMENT****Judgment is reserved on 06<sup>th</sup> Nov., 2023.****Judgment is pronounced on 07<sup>th</sup> Nov., 2023.**

Heard Shri C.D.Dhore, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents.

2. The applicant was working at Panchayat Samiti, Lakhandur as Livestock Development Officer, Group-A. He was due for transfer. By the impugned order dated 15.05.2023 (A-1) he was transferred to Veterinary Dispensary, Grade-I at Pauni, Tal. Sakoli, Dist. Bhandara on a vacant post. It is his grievance that the impugned transfer is opposed to guidelines contained in G.R. dated 06.08.2002 (A-3).

3. On 15.05.2023 itself the applicant submitted application (A-6) that he be accommodated either at Veterinary Dispensary, Grade-I at Adyal, Tal. Pauni, Dist. Bhandara or at Panchayat Samiti, Pauni as Live Stock Development Officer (Extension), Group-I since both these posts were vacant. During the course of final hearing it was submitted that out of these two posts, post at Adyal was still vacant.

4. In their reply respondents 1 to 3 have given following details of postings of the applicant to contend that the O.A. lacks merit -

From	To	Place
06.07.2000	21.08.2006	VD Kondha Kosra, Taluka Pauni, Bhandara.
22.08.2006	15.06.2010	Panchayat Samiti, Pauni, Bhandara.
16.06.2010	16.07.2014	VD Kondha, Taluka Pauni, Bhandara.
17.07.2014	09.07.2018	VD Belati Lakhandur, Bhandara.
10.07.2018	05.02.2019	Medical Leave.
06.02.2019		PS Lakhandur, Bhandara.

5. The applicant has relied on following guidelines contained in G.R. dated 06.08.2002:-

वयाची ५० वर्षे पूर्ण झालेल्या अधिकारी/कर्मचारी यांची शक्यतो या भागात नियुक्ती करू नये.

आदिवासी क्षेत्रात किमान २ वर्षे चांगले काम केलेल्या गट 'अ' व 'ब' च्या अधिकाऱ्यांना देखिल त्यांच्या पसंतीच्या जिल्ह्यात सोईनुसार नेमणूका देण्यात याव्यात.

Ld. P.O., on the other hand, has relied on following guidelines contained in the same G.R.:-

वरीलप्रमाणे पसंतीच्या जिल्ह्यांत बदली मिळण्यासाठी, आदिवासी क्षेत्रात काम करणाऱ्या अधिकारी/कर्मचारी यांनी उपरोक्त विहित कार्यकाळ संपण्यापूर्वीच किमान ३ महिने आधी त्यांच्या पसंतीच्या जिल्ह्यांची तीन नावे सक्षम प्राधिकाऱ्यांना कळवावीत व त्याची प्रत तो कार्यरत असलेल्या क्षेत्राच्या जिल्हाधिकारी/विभागीय आयुक्त यांना देण्यात यावी.

अधिकारी/कर्मचारी यांचेकडून बदलीसाठी पसंतीक्रम प्राप्त होताच सक्षम प्राधिका-यांनी संबंधितांचा विहित कार्यकाल संपताच त्यांच्या पसंतीच्या जिल्हयात बदलीसाठी आवश्यक ती कार्यवाही करावी. काही प्रशासकीय कारणास्तव पसंतीच्या जिल्हयात लगेचच बदली करणे शक्य नसल्यास सक्षम प्राधिकाऱ्याने अशी प्रकरणे तातडीने वरिष्ठांचे/शासनाचे निदर्शनास आणून देवून त्यांचे आदेश प्राप्त करावेत व संबंधितास तसे कळवून त्यांना अन्यत्र बदली द्यावी. मात्र, असे करताना संबंधितांनी बदलीसाठी दिलेला पसंतीचा हक्क पुढील तीन वर्षांपर्यन्त कायम ठेवून या वाढीव कालावधीत पसंतीच्या जिल्हयात बदली देणे आवश्यक राहिल.

6. A conjoint consideration of aforequoted guidelines shows that to get the posting as per his choice the applicant, who is a Group-A Officer, ought to have submitted an application for the purpose to the concerned authority three months before his due date of transfer mentioning therein three districts of his choice for posting so that the transferring authority could take a decision in the matter. Admittedly, the applicant did not submit such application. He applied for modification of the impugned order though on the very day on which it was issued. Even in this application both places of choice given by him were in Pauni Taluka.

7. In their reply the respondents have resisted the O.A. also on the following grounds:-

A. The applicant was due for transfer. He was transferred as per the provisions of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 which has superseded all guidelines issued earlier which are contrary thereto.

B. Considering large vacancies in Sakoli Taluka and administrative exigencies the applicant was transferred on a vacant post.

C. The applicant is transferred in the same district though being a Group-A Officer he was liable to be transferred in any of the seven regions in Maharashtra.

D. The applicant is a Group-A Officer. Therefore, there was no question of calling his options for transfer. If he desired to be posted on a place of his choice he ought to have applied, therefor, in advance which he admittedly did not do.

There is merit in the above-referred contentions of the respondents.

8. In their reply the respondents have stated that the applicant will retire on superannuation on 31.07.2026 and will thus complete

normal tenure of three years as per Section 3 (1) of The Transfer Act at his transferred place.

9. Clause 5 of G.R. dated 06.08.2002 states that a person who has completed 50 years of age shall not, as far as possible, be posted in Tribal/Naxal area. However, as is clear from the wording of the Clause, this guideline does give discretion to the transferring authority to post a person even after he has completed age of 50 years to such area provided there is administrative need to do so.

10. To sum up, the applicant was due for transfer. He did not submit application for posting him at a place of his choice. He is transferred in the same district. He will complete normal tenure of three years on the transferred post. There are no allegations of malafides. Thus, no case is made out to interfere. **The O.A. is accordingly dismissed with no order as to costs.**

**Member (J)**

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

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 Member (J).

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

Uploaded on : 08/11/2023