

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO. 241/2020(S.B.)**

Yashwant Fukatu Khobragade,  
Age – 52 yrs., Occu. – Service,  
R/o. Swawlambi Nagar, Ward No.2,  
Chandrapur, Tq. & Dist. Chandrapur.

**Applicant.**

**Versus**

1. State of Maharashtra,  
through its Secretary,  
Higher and Technical Education Department,  
Mantralaya, Mumbai.
2. Director of Technical Education,  
Mahapalika Marg, Post Box No.1967  
Mumbai, Maharashtra State Mumbai.
3. Government College of Engineering,  
Chandrapur, through its Principal,  
Ballarpur Bye-pass Road,  
Babupeth, Chandrapur,  
Tq. and Dist. Chandrapur.

**Respondents**

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Shri P.S.Patil, Ld. counsel for the applicant.  
Shri M.I.Khan, Ld. P.O. for the respondents.

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

**Dated: - 10<sup>th</sup> January 2023.**

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**JUDGMENT**

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

The learned P.O. has filed affidavit-in-reply of respondents. It is taken on record. The matter is admitted and heard finally.

2. The case of the applicant in short is as under-

The applicant was appointed as Assistant Professor on 20.09.1998. The applicant was transferred as Assistant Professor in the establishment of respondent no.3 on 17.8.2013. The applicant is working in Engineering College, Chandrapur since 17.08.2013.

3. It is submitted that Chandrapur is a Naxalite area. Government of Maharashtra has issued G.R. dated 06.08.2002. As per G.R., employees who have completed three years in the Naxalite/ Tribal area shall be given choice posting. It is submitted that the applicant is working at Chandrapur since 2013. The son of applicant Pushkar Yashwant Khobragade is suffering from the disease of Sickle Cell. Therefore, the applicant made representation to transfer him to Nagpur. His son is getting

medical treatment at Nagpur. Therefore, prayed for direction to the respondent to consider his request for transfer to Nagpur.

4. The O.A. is strongly opposed by the respondents. It is submitted that transfer cannot be claimed as of right. At last submitted that service of the applicant is required in Engineering College, Chandrapur. Therefore, he cannot be transferred. It is further submitted that the applicant is getting more pay i.e. the promotional pay as per the G.R. dated 06.08.2002 Medical facilities are available at Chandrapur. Hence, the O.A. is liable to be dismissed.
5. The learned counsel for the applicant Shri P.S.Patil has pointed out the Judgment of this Tribunal in O.A.No.36/2018 decided on 04.05.2018. This Tribunal relied on the G.R. dated 06.08.2002 and directed the respondent no.2 to forward the proposal for transfer in the General transfers to be effected in the month of April/ May 2018.
6. The learned P.O. Shri M.I.Khan has submitted that because of want of sufficient staff at Chandrapur, the applicant cannot be transferred from Chandrapur.
7. There is no dispute that the applicant is working in the Tribal area since last 10 years. As per G.R. dated 06.08.2002, after completion

of two years posting in the Tribal area the employee is to be given choice posting. As per the submission and the representation of applicant it appears that son of the applicant was suffering from Sickle Cell. The learned Counsel for the applicant fairly submitted that during the pendency of the O.A. his son is expired. Hence, the following order is passed.

**ORDER**

- 1) The O.A. is partly allowed.
- 2) The respondents are directed to consider the request of the applicant for transfer in the coming general transfer of the month of April/May 2023.
- 3) The respondents are directed to give the choice posting to the applicant preferably at Nagpur, as per the G.R. dated 06.08.2002 if the post is available at Nagpur.
- 4) No order as to costs.

(Justice M.G.Giratkar)  
Vice Chairman

Dated – 10/01/2023

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 : 10/01/2023.