

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR

ORIGINAL APPLICATION NO.519/2018. (S.B.)

Subhash Tryambak Rathod,
Aged about 54 years,
Occ- Service,
R/o Wathurkar Layout, Adarsh Colony,
Khadan Naka, Akola.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Principal Secretary,
Department of Skill Development & Enterprises,
Mantralaya, Mumbai-32.
2. The Director of Vocational Education & Training,
Govt. of Maharashtra, 3, Mahapalika Marg,
P.O. Box No.10036,
Mumbai-400 001.
3. The Joint Director of Vocational Education & Training,
Regional Office, Amravati.
4. Industrial Training Institute,
Khamgaon, through its Principal,
Khamgaon, Distt. Buldana.

Respondents

Shri P.D. Meghe, the Ld. Advocate for the applicant.
Shri A.M. Ghogre, the Ld. P.O. for the respondents.

Coram:-Shri J.D. Kulkarni,
Vice-Chairman (J)

JUDGMENT

(Delivered on this 28th day of September 2018.)

Heard Shri P.D. Meghe, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. The applicant is a Senior Clerk in the Industrial Training Institute, Khamgaon, Distt. Buldana. Vide impugned order dated 31.5.2018, he has been transferred at Industrial Training Institute, Jalgaon Jamod on a vacant post on administrative ground and said order has been impugned in this O.A. It is claimed that the said order be quashed and set aside.

3. The learned counsel for the applicant submits that the Government of Maharashtra has issued a G.R. dated 9.4.2018 (Annexure A-4, page Nos. 23 to 45). As per the said G.R., some guidelines have been issued whereby it has been made clear that the choice of employees who are due for transfer shall be called and not only that, they shall be considered for transfer as per their choices, as far as possible. The guidelines of the said G.R. have not been followed.

4. It is stated that the applicant's daughter is prosecuting her studies at Akola and his son is taking education in

11th standard. The applicant is also suffering from hypertension and is undergoing regular treatment at Govt. Medical Hospital at Akola. His mother is aged about 72 years and she is also suffering from glaucoma. The applicant has given preference to transfer him at Akola. But his request was not considered and, therefore, he is claiming that the impugned order of his transfer be quashed and set aside.

5. Respondent Nos. 2 to 4 have resisted the claim and submitted that, due procedure has been followed. It is stated that, there are number of posts at Akola and there is no need to fill in any more post at Akola. As against that, the post at Jalgaon Jamod was lying vacant and, therefore, in the interest of administration, the applicant was transferred to Jalgaon Jamod by Civil Services Board. It is admitted that, even though the case of "पती पत्नी एकत्रीकरण" is to be considered, same cannot be given preference against administrative convenience. It is further stated that, Jalgaon Jamod is just 50 Kms. away from Khamgaon and it is not far away from Akola. It is further stated that, the applicant has already completed six years and, therefore, was due for transfer.

6. The learned counsel for the applicant submits that the guidelines issued by the Government of Maharashtra under G.R.

dated 9.4.2018 are very specific and it clearly states that the ground of “पती पत्नी एकत्रीकरण” shall be considered. I have perused the said G.R. It is material to note that, the said G.R. also makes it obligatory on the employee to give 10 choices in order of preference for his transfer. The applicant, however, did not follow the said condition and on the contrary gave only one choice i.e. I.T.I., Akola. The applicant, therefore, has not fulfilled the guidelines given in the G.R. and, therefore, he cannot take disadvantage of G.R. dated 9.4.2018.

7. From perusal of para No.5 of the reply affidavit filed by the respondents, it will be clear that the applicant has been at Akola for most of the time during his service period. It seems that as per vacancy position, there are sufficient posts at Akola and on administrative need, post at Jalgaon Jamod is vacant. The respondents, therefore, seem to have considered the administrative convenience, as against personal difficulty of the applicant and no malafides are alleged against any of the officers of Civil Services Board and, therefore, I do not find any reason to interfere in the order of transfer issued by the respondents. The applicant may be at liberty to file comprehensive representation after joining at the transferred place. Hence the following order:-

ORDER

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

(J.D.Kulkarni)
Vice-Chairman (J)

Dated:- 28.9.2018.

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