

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION NO.609/2018**

Shri Pramod Laxmanrao Meshram,  
Aged about 54 years,  
R/o Plot No.10, Shiv Shakti Layout Sonegaon,  
Post Khamla, Nagpur-25

**..Applicant**

**Versus**

- 1) The State of Maharashtra,  
Through its Secretary,  
Agriculture, Animal Husbandry, Dairy  
Development & Fisheries Department,  
Mantralaya, Mumbai 400032
- 2) The Commissioner of Animal Husbandry,  
Maharashtra State, Aundh, Pune 411067

**..Respondents**

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Shri Bharat Kulkarni - Advocate for the Applicant

Shri V.A. Kulkarni – Presenting Officer for Respondents

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**Coram :- Hon'ble Shri A.D. Karanjkar, Member (J)**

**Dated :- 26<sup>th</sup> October 2018.**

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**J U D G M E N T**

Heard Shri Bharat Kulkarni, learned Advocate for the Applicant and  
Shri V.A. Kulkarni, learned Presenting Officer for Respondents.

2. The applicant is serving as Assistant Live Stock Development Officer  
at Wadsa in District Gadchiroli, a naxalite area, from 16.11.2017. The

applicant was transferred to Wadsa by order dated 31.5.2017. The applicant thereafter filed OA No.965 of 2017 on the ground that his wife was serving in Nagpur District. In OA No.965 of 2017 it was contended by the applicant that he was transferred to Gadchiroli District and his wife was serving in Nagpur District, therefore, his transfer was illegal. The applicant relied upon the judgment in W.P. No.2492/2015 between Surekha Narendra Ghumare Vs. State of Maharashtra & Ors. decided on 4.2.2016. After hearing the parties in OA No.965 of 2017 direction was given to the respondents to consider the representation of the applicant on its own merits.

3. In the present application it is submitted that two days before general transfers, the respondents have posted two persons at Nagpur which seems that two posts were vacant and the respondents deliberately avoided to consider representation of the applicant. It is submitted by the applicant that on 30.6.2016 Smt. Nimje retired from the post at Nagpur and that post is lying vacant. On the basis of this material it is submitted that the claim of the applicant is fortified by GR dated 9.4.2018 as it is the policy of the Government to post husband and wife at one station whenever one spouse is in service of the Government and other spouse is in service of the local body or alternately in same district, if it not possible to post them at one place. On the basis of this, it is submitted that strong case is made out to direct the respondents to give immediate posting to the applicant in Nagpur District.

4. The respondents have challenged the OA. It is the contention of the respondents that they have not transferred any employee from out of Nagpur to Nagpur after receiving the order in OA No.965 of 2017. Two posts of Assistant Live Stock Development Officer were vacant. Two employees were promoted to the post and consequently they were posted at Nagpur. So far as the vacancy created due to retirement of Smt. Nimje is concerned, it is submitted by the respondents that in Gadchiroli District there are six sanctioned post of Assistant Live Stock Development Officer out of which five posts are vacant and only the applicant is working in Gadchiroli District. Due to this reason it was not possible for the respondents to grant relief to the applicant in general transfer of 2018. It is submitted that if the applicant is transferred mid-session then it will cause prejudice to the public at Wadsa as there would be no Assistant Live Stock Development Officer. In view of this reason, it is submitted by the respondents that the application is devoid of any substance and it is liable to be dismissed.

5. I have heard submissions on behalf of the applicant as well as respondents. It is the contention of the applicant that two posts of Assistant Live Stock Development Officers were lying vacant at Nagpur, but it is not shown that two Assistant Live Stock Development Officers who were posted outside Nagpur are transferred to those posts. Annexure A-4 page 23 of paper book is the promotion order dated 28.5.2018. Shri Warjurkar at Sr. No.20 was serving in Nagpur District, he was posted at Nagpur

Laboratory and Sr. No.26 Shri Panbude was serving at Bhuyar, District Bhandara, he was posted at Nagpur. After reading this, it seems that Shri Panbude was out of Nagpur District and he was transferred from Bhandara to Nagpur. This takes away the force of contention of the respondents that no promoted Assistant Live Stock Development Officer serving out of Nagpur District was posted at Nagpur. In view of this, inference can be drawn that the promoting authority did not pay any heed to the order passed in OA No.965 of 2017 by this Tribunal. It appears that the authority which issued the promotion order i.e. the Commissioner, Live Stock Development, Maharashtra State, Pune was aware that it was necessary for him to consider the representation of the applicant.

6. There is no dispute about the fact that one post due to retirement of Smt. Nimje is lying vacant at Nagpur. It is vehemently submitted by the Ld. Counsel for the applicant that the applicant be transferred to Nagpur on that vacant post for safeguarding his interest. In this background, I would like to point out that in Gadchiroli District six sanctioned posts of Assistant Live Stock Development Officers are there out of which five posts are vacant. Only applicant is working as Assistant Live Stock Development Officer in Gadchiroli District. Keeping in view all these aspects, if any relief is granted immediately to the applicant in the mid-session, prejudice will be caused to the residents of Gadchiroli District. In my view while considering the prejudice caused to the employee it is duty of the Tribunal to consider what prejudice would be caused to the public. It is the duty of every public

servant to fulfil his official responsibility to the public and this is the purpose for which he is engaged in service. Merely because inconvenience posting is given to a Government employee and he is transferred without considering inconvenience to the public at a particular station, then there would be chaos in the society and public will be sufferer in this situation. In my opinion, applicant's interest can be safeguarded in view of the directions given in GR dated 9.4.2018. Last page of the GR Appendix-I, Clause 5 says that, while considering the request of the employee for transfer on the ground that his spouse is serving at another place the convenience of the administration must be considered. The provisions of this GR are not mandatory, but they are directory and it is the duty to consider the prejudice which would be caused to the public. In view of this discussion, if positive direction is given to the respondents to transfer the applicant in general transfers of 2019 they would get sufficient time to post some one in Gadchiroli District for safeguarding interest of the society and this will also serve the ends of justice. Hence, I pass the following order.

### **ORDER**

The Original Application is partly allowed. The respondent no.2 is directed to transfer the applicant to Nagpur District in general transfers of the year 2019. No order as to costs.

**(A.D. Karanjkar)**  
**Member (J)**