

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 671/2023 (S.B.)

Ku. Suvarna d/o. Shankar There,
now Suvarna w/o. Ashish Pimpalshende,
Aged About 33 yrs, Occu- Service,
R/o. Mahesh Bhavan, Gopika Gas Agency,
Adwait Apartment, F-1, Tukum, Chandrapur.

Applicant.

Versus

- 1) State of Maharashtra,
Through its Secretary,
Department of Skill Development,
Employment and Entrepreneurship,
Mantralaya, Mumbai-32.

- 2) Commissioner of Skill Development,
Employment and Entrepreneurship,
3rd Floor, Kokan Bhavan (Annex),
CBD Belapur, Navi Mumbai.

- 3) Deputy Commissioner of Department of Skill Development,
Employment and Entrepreneurship,
Administrative Building no.1,
6th Floor, Civil Lines, Nagpur.

- 4) District Skill Development,
Employment and Entrepreneurship Officer,
Chandrapur, Administrative Building,
Near Bus Stop, Chandrapur.

Respondents

Shri P.V.Thakre, Ld. Counsel for the applicant.
Shri S.A.Deo, Ld. C.P.O. for the respondents.

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

Dated:- 7th December, 2023.

JUDGMENT

Judgment is reserved on 04th December, 2023.

Judgment is pronounced on 07th December, 2023.

Heard Shri P.V.Thakre, learned counsel for the applicant and
Shri S.A.Deo, learned C.P.O. for the respondents.

2. Case of the applicant is as follows. She joined the respondent department as Clerk-Cum-Typist and was posted at Chandrapur on 07.10.2016. Her husband is also serving at Chandrapur in the office of D.F.O.. Their son is aged three years. In January, 2023 she declined promotion to the post of Senior Clerk because it was difficult for her to serve outside Chandrapur. She requested for retention in Chandrapur (Annexures A-1 & A-2). She further requested

that if at all she was to be transferred, she could be accommodated on another post in Chandrapur itself. By the impugned order dated 30.06.2023 (Annexure A-3) she was transferred to Wardha. By application dated 03.07.2023 (Annexure A-4) she again requested for retention in Chandrapur. Her request was not considered. Hence, this O.A..

3. Stand of the respondents is as follows. From 10.07.2016 the applicant had worked at Chandrapur. She had completed two tenures of three years each and had thus already availed extension. She was overdue for transfer. She was relieved on 03.07.2023. Refusing promotion cannot create a right of retention. Her application dated 10.02.2023 (Annexure A-2) for retention was considered by Civil Services Board. The Board, for the reasons stated in the Minutes, recommended her transfer to Wardha. For all these reasons the O.A. is liable to be dismissed.

4. Following facts are not in dispute. The applicant was due for transfer. She requested for retention. Her application was considered by the Board as reflected in Minutes dated 03.03.2023 (Annexure R-2). The Board recommended as follows.

जिल्हा कार्यालय वर्धा येथे लिपिक टंकलेखक पदाची 100 टक्के पदे रिक्त असून सदर कार्यालयातील एकुण अधिकारी कर्मचारी यांची भरलेल्या पदांची संख्या फक्त 5 आहे. सदर कार्यालयाचा समतोल ठेवण्या करिता श्रीमती सुवर्णा थरे यांची नागरी सेवा मंडळाद्वारे जिकौविरोवउमाकें, वर्धा येथे बदली करण्याची शिफारस करण्यात येत आहे.

5. In her rejoinder the applicant has contended that one Varun Darwade attached to Wardha office is working in the office of respondent no.3 (at Nagpur) on deputation since last 4 years and this aspect, too, should be taken into account. There is no merit in this submission. It was for the concerned establishments to deal with the deputation in the light of administrative need.

6. To sum up, the applicant was due for transfer. Her application for retention at Chandrapur was considered by the Board. The Board recommended her transfer to Wardha by recording reasons which were cogent. Thus, there is no ground to interfere with the impugned order. The O.A. is accordingly dismissed with no order as to costs.

(M.A.Lovekar)
Member (J)

Dated – 07/12/2023
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 Member (J).
Judgment signed on : 07/12/2023.
and pronounced on : 07/12/2023.