

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 69/2023(S.B.)

Satyen S/o Udhawarao Patil,
Aged 50 years, Occ. : Assistant Professor
At Government Science College,
Chamorshi Road, Gadchiroli 442605,
Permanent R/o Flat No.301,
Ambika Marvel Appartment,
Vidya Nagar Koradi Road Nagpur,
440007.

Applicant.

Versus

1. State of Maharashtra,
through its Secretary,
Department of Higher and Technical Education,
Mantralaya, Mumbai -440 032.
2. Director of Higher Education,
Maharashtra State Pune,
Central Building Pune 411 001.

Respondents

Mrs.K.P.Wathore, Ld. counsel for the applicant.
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 17th February 2023.

JUDGMENT

Heard Adv. Mrs.K.P.Wathore, learned counsel for the applicant and Shri A.M.Khadatkar, learned P.O. for the Respondents.

2. Case of the applicant in short is as under-

3. The applicant belongs to the Scheduled Caste Category Caste Mahar. The applicant was joined on 05.10.2020 on the post of Assistant Professor in Government Science College, Chamorshi Road, Gadchiroli. The applicant was working as State Government Employee up to 2020 in Nagpur before transfer to Gadchiroli. The applicant has completed two years services at Gadchiroli. Therefore, the applicant made representation to the respondent no.1 on 06.12.2022 for transfer to Nagpur. The respondents have not considered the representation dated 06.12.2022 till date. Hence, the applicant approached to this Tribunal for the following reliefs.

- 1) This Hon'ble Tribunal be pleased to direct the respondent to consider the name of the Applicant for the choice posting as a special case on priority basis in any transfer of employees***
- 2) Be pleased to direct the Respondents to prepare the list as per the Scheme of The Maharashtra***

Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 and Government Resolutions dated 06.08.2002, and Circular dated 11.07.2000 of employees due for transfer including the name of Applicant;

3) Grant any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

4. Learned counsel for the applicant has pointed out that the order of this Tribunal in O.A.No.12 of 2017 dated 28.02.2017. Learned counsel for the applicant has pointed out the G.R. dated 06.08.2002. She has submitted that the applicant is entitled for choice posting as per the G.R. dated 06.08.2002. Therefore, prayed for direction to the respondents to give choice posting to the applicant.

5. Heard learned P.O., he has submitted that representation of the applicant will be considered subject to eligibility and availability of the post at Nagpur.

6. G.R. dated 06.08.2002 is very clear. As per this resolution the employee who is working in the Naxlite area are to be given choice

posting after the completion of two years of posting. Hence, in view of the Circular dated 06.08.2002, following order is passed.

ORDER

1. The O.A. is allowed.
2. The respondents are directed to consider the representation of the applicant dated 06.12.2022 in the coming general transfer in the month of April, May 2023 and give him choice posting subject to availability of the post and also eligibility of the applicant.
3. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated - 17/02/2023

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 : 17/02/2023.