

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.386 OF 2017**

DISTRICT : SANGLI

Smt. Swati Sharadchandra Saranjame)
Aged Adult, Occ. Service, R/o Mohite Vadagaon,)
Taluka Kadegaon, District Sangli)..Applicant

Versus

1. The Secretary,)
Government of Maharashtra,)
Agriculture Department, Mantralaya, Mumbai)
2. Divisional Joint Director, Division Kolhapur)
3. The Taluka Agriculture Officer,)
Tasgaon, District Sangli)
4. District Superintendent, Agricultural Officer,)
Sangli, District Sangli)
5. Smt. Jyoti Jayvant Wagmare,)
Assistant Superintendent,)
Taluka Agriculture Department, Palus, Sangli)..Respondents

Shri A.S. Suryawanshi – Advocate for the Applicant

Ms. Savita Suryawanshi – Presenting Officer for the Respondents

CORAM : Shri B.P. Patil, Member (J)
Shri P.N. Dixit, Member (A)
CLOSED ON : 25th April, 2018
PRONOUNCED ON : 2nd May, 2018

J U D G M E N T

PER: Shri P.N. Dixit, Member (A)

1. Heard Shri A.S. Suryawanshi, learned Advocate for the Applicant and Ms. Savita Suryawanshi, learned Presenting Officer for the Respondents.

Admitted facts:

2. The Applicant is physically handicapped and suffers from Polio in the right leg. She is working as Senior Clerk in the Agriculture and Cooperative Department. She is at present working at Taluka Walva, District Sangli and on promotion she is posted at Taluka Tasgaon, District Sangli by impugned order dated 2.12.2016 (Exhibit A page 9 of OA).

3. The Applicant desires to have posting at the nearest place at Palus, District Sangli. In view of her physical disability and family problems she has also mentioned that it will facilitate her to be with her husband who is working in a private company.

4. The Respondents no.1 to 4 in their affidavit in reply have pointed out that the Applicant is resident of Walva and being handicapped, was working at Walva from 24.1.2007, even though she was drawing her salary at Palus. The Applicant had requested to provide her assignment at

the ground floor in view of her physical disability. Following the request application by the Applicant on 10.8.2012, the Respondents transferred her as Senior Clerk in the office of Taluka Agricultural Officer, Walva on 31.5.2014. The office of Taluka Agriculture Officer, Palus was on the first floor of the office building, and in order to accommodate her request she was posted as Senior Clerk in Taluka Agriculture Officer, Walva.

5. The Applicant has been promoted on higher post as Assistant Superintendent vide order dated 2.12.2016 and Tasgaon being the closest place from her residence, she has been posted there to accommodate her convenience as well as the convenience of the office. The respondents mention in the affidavit that the Applicant could not be posted to Walva as Shri P.S. Waghmare is working as Assistant Superintendent at Taluka Agriculture Office, Walva, District Sangli and he is not due for transfer. The second option given by the Applicant viz. Palus was considered. In view of her disability and previous service record as Senior Clerk there, she was not posted at Palus. However, as per her third choice, she was posted to Tasgaon which is nearest to Palus as well as from her native place. The rest of the employees who have been promoted vide same order on the higher post, viz. Assistant Superintendent have been posted to faraway places from their native place for administrative convenience.

Findings:

6. Perusal of the same does not indicate that the impugned order is arbitrary or malafide. The Respondents have taken into account the physical disability of the Applicant as well as her convenience and request and posted her on promotion at the nearest possible location.

7. Since there is no arbitrariness, illegality or malafide in the impugned order, there is no merit in the OA and the same deserves to be dismissed.

8. Original Application is dismissed with no order as to costs.

Sd/-

(P.N. Dixit)
Member (A)
2.5.2018

Sd/-

(B.P. Patil)
Member (J)
2.5.2018

Dictation taken by: S.G. Jawalkar.

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