

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 418/2023(S.B.)**

Suresh Kunjilal Aathwale,  
Aged about 48 years, Occ. Service,  
R/o Dharni, Tah. Dharni, Dist. Amravati.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Revenue & Forest,  
Mantralaya, Mumbai.
2. Chief Conservator of Forest (T),  
Camp Road, Amravati.
3. Dy. Conservator of Forest,  
Melghat (T) Forest Division,  
Paratwada, Dist.- Amravati.
4. Range Forest Officer,  
Dharni Dist.- Amravati.

**Respondents**

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Shri N.R.Saboo, Ld. Counsel for the applicant.  
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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**With****ORIGINAL APPLICATION NO. 419/2023****WITH C.A.NO.401/2023(S.B.)**

Sidheshwar S/o Fakira Solanke,  
Aged about 50 years, Occ. Service,  
R/o Savna, Tah. Chikhali, Dist. Buldhana.

**Applicant.**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Department of Revenue & Forest,  
Mantralaya, Mumbai.
2. Chief Conservator of Forest (T),  
Camp Road, Amravati.
3. Dy. Conservator of Forest,  
Buldhana Forest Division, Buldhana.
4. Assistant Conservator of Forest,  
(T & Campa), Buldhana.

**Respondents**

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Shri N.R.Saboo, Ld. Counsel for the applicant.  
Shri A.M.Khadatkar, Ld. P.O. for the respondents.

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**Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 14<sup>th</sup> March, 2024.**

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## **JUDGMENT**

Heard Shri N.R.Saboo, learned counsel for the applicants and Shri A.M.Khadatkar, learned P.O. for the respondents.

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

In both the O.As., applicants have challenged the transfer order. It is the case of both applicants that in O.A.No.418/2023, the applicant is a physically challenged person and the applicant in O.A.No.418/2023 is transferred in place of O.A.No.419/2023 both applicants are challenged the transfer order. It is the contention of the applicant in O.A.No.418/2023 that as per G.R. dated 09.04.2018, the transfer of the disabled should be given as per his choice. The applicants are transferred without considering the said G.R.. Therefore, the applicant prayed for extension of 1 year, but it was not considered. Both applicants challenged the transfer order.

3. Both applications are opposed by the respondents. It is submitted that they were due for transfer and there is no illegality in the transfer order. Hence, the O.A. is liable to be dismissed.

4. While passing the order dated 02.05.2023, this Tribunal has stayed transfer order dated 26.04.2023 in respect of applicant Suresh Athawale in O.A.No.418/2023 and applicant Sidheshwar Solanke O.A.No.419/2023 only. That stay was granted till next date.

Thereafter, the said order was continued. Both applicants are working at same place because of the stay granted by this Tribunal.

5. During the course of submission, learned counsel for the applicants has submitted that as per the G.R. dated 06.08.2002 applicants will give their choice posting in the coming general transfer and that should be considered by the respondents and specific direction be given to the respondents to consider the same. There is no dispute that both applicants are working in the Tribal Area.

6. Applicant Suresh Athawale in O.A.No.418/2023 is working at Dharni, District Amravati. It is a Tribal Area and another applicant namely Sidheshwar Solanke is working in Buldhana District. Buldhana is not in the Tribal District. Hence, the following order-

### **ORDER**

1. Both O.As. are partly allowed.
2. The applicants are at liberty to move representation to the respondents.
3. Respondents may consider representation of the applicant Suresh Athawale as per G.R. dated 06.08.2002 in the coming general transfer of 2024.

4. The applicant Sidheshwar Solanke is at liberty to move representation and the respondents may consider the same as per G.R. dated 09.04.2018 in the coming general transfer of 2024.

5. The O.As. as well as C.A. are disposed of.

6. No order as to costs.

**(Justice M.G.Giratkar)**  
**Vice Chairman**

**Dated - 14/03/2024.**  
**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 Vice Chairman.  
Judgment signed on : 14/03/2024.  
Uploaded on : 26/03/2024.

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