

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 827/2023****with C.A.No.471/2023(S.B.)**

Mukeshkumar Mohansingh Rathod,
Deputy Commissioner of State Tax,
(CHA-VAT-E-001), age 46, GST Bhavan,
2nd floor, Administrative Building,
Near Bus Stand Chandrapur 442 502.

Applicant.

Versus

1. State of Maharashtra,
Through its Secretary,
Finance Department (State Tax),
Mantralaya, Mumbai - 32.
2. The Commissioner of State Tax,
GST Bhavan, 8th Floor, Mazgaon,
Mumbai - 400 010.

Respondents

Shri B.Kulkarni, 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: - 31st October, 2023.

JUDGMENT

Heard Shri B.Kulkarni, 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-

The applicant is presently working as Deputy Commissioner of State Tax at Chandrapur. The applicant was transferred from Nagpur to Chandrapur as per order dated 09.08.2021. The applicant has joined at Chandrapur on 01.09.2021. The applicant is seeking transfer to Nagpur in the coming general transfer. Therefore, he prayed for direction to the respondents to transfer him to Nagpur as per the Government G.R. dated 06.08.2002.

3. The O.A. is strongly opposed by the respondents. It is submitted that the applicant is transferred on 09.08.2021 from Nagpur to Chandrapur. As per the G.R. dated 06.08.2002, the choice posting will be considered after the completion of two years of service in Naxalite area. In reply of respondents 1 & 2 para 14 is reproduced below-

It is submitted that, according to the Government Circular dated 11.07.2000 & 6.08.2002, the Officers who have worked in the Naxlite Area for at least 2 years will be transferred at the place of their choice. The applicant had transferred from Nagpur to Chandrapur vide order

Dt.09.08.2021 & resumed his duties from 01.09.2021 at the Chandrapur office.

4. During the course of submission, the learned counsel for the applicant has pointed out the G.R. dated 06.08.2002.

5. The learned P.O. has submitted that the applicant was at Nagpur from the year 2017 to 2021. He was due for transfer. Therefore, he was transferred to Chandrapur. Again the applicant is claiming transfer to Nagpur.

6. Transfer is a condition of service. The employee has to follow the transfer order. The applicant has already joined. The G.R. dated 06.08.2002 is very clear. As per this G.R. the employee who has completed two years of service in the Naxalite area they have to submit three districts of their choice for posting. The applicant is at liberty to give three districts of his choice for posting and the respondents may consider the same.

ORDER

1. The O.A. is partly allowed.
2. The respondents are directed to consider the representation of the applicant if it is made before coming transfer order as per Clause-III of G.R. dated 06.08.2002. The applicant is directed to give three

districts of his choice for the posting in the coming general transfer order.

3. The O.A. along with C.A. accordingly disposed of.
4. No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 31/10/2023
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 Vice Chairman.
Judgment signed on : 31/10/2023.
Uploaded on : 03/11/2023.