

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO.179/2024 (S.B.)**

Dr. Priya Anandrao Nagare,
Aged 37 Years, Occ. Service,
Resident of Telecom Nagar,
Nearby Vaishnavi Complex,
Dist. Wardha.

... **APPLICANT**

// V E R S U S //

- 1] State of Maharashtra,
Through Secretary,
Animal Husbandry, Dairy and Fisheries Department,
Mantralaya, Mumbai- 32.
- 2] Commissioner of Animal Husbandry,
Maharashtra State Central Building,
Opposite Spicer College, Aundh, Pune-411007.
- 3] Regional Joint Commissioner,
Animal Husbandry, Civil Lines, Nagpur-440001.
- 4] Additional Commissioner,
Animal Husbandry, District Wardha.
- 5] Assistant Commissioner,
Animal Husbandry,
District Veterinary Hospital, Wardha.

... **RESPONDENTS**

Shri C.B. Dharmadhikari, M.J. Kulkarni, G.B.

Dharmadhikari, A.Motlag, Ld. Advocates for the Applicant.

Shri V.A. Kulkarni, Ld. P.O. for the Respondents.

**Coram :- Hon'ble Shri Justice M. G. Giratkar,
Vice Chairman.**

Dated :- 24/01/2025.

J U D G M E N T

Heard Shri C.B. Dharmadhikari, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The case of applicant in short is as under:-

The applicant is working as a Livestock Development Officer at Wardha. She was transferred to Bhandara as per general transfer order dated 15/05/2023. The said order was challenged before this Tribunal in O.A. No.1014/2023. This Tribunal has decided the said O.A. on 14/12/2023. The said O.A. was dismissed by this Tribunal. Respondents were directed to consider the representation of the applicant within one month from the date of receipt of this order. The respondents have

considered the representation of the applicant as per order dated 05/02/2024. Request of the applicant is rejected on the ground that there are many vacancies in Bhandara District. Therefore, applicant has filed the present O.A. for directing the respondents to retain the applicant at Wardha by issuing fresh transfer order.

3. O.A. is strongly opposed by the respondents. It is submitted that the service of applicant is transferrable. There were vacancies at Bhandara, therefore, she was transferred as per order dated 15/05/2023. Applicant was due for transfer from Wardha, therefore, she was transferred to Bhandara. The O.A. filed by the applicant came to be dismissed by this Tribunal. Hence, the present O.A. is not maintainable and liable to be dismissed.

4. During the course of submission, learned counsel for applicant has submitted that the representation of the applicant was not considered by the respondents on humanitarian ground. He has submitted that the posts at Bhandara are filled. One post at Bhandara is vacant and she can be adjusted at Bhandara. Learned counsel for applicant has submitted that applicant went to Bhandara to join the duty, but she was not allowed. Therefore,

she prayed to allow the O.A. with direction to the respondents to retain her at Wardha, because, applicant is having a minor child.

5. Learned P.O. has submitted that applicant has completed 10 years of service at Wardha. She was due for transfer and therefore she was transferred from Wardha to Bhandara. Hence, O.A. is liable to be dismissed.

6. There is no dispute that transfer order dated 15/05/2023 was challenged before this Tribunal. This Tribunal has held that transfer order is legal and correct. Direction was given to consider the representation of the applicant. The applicant has made representation as per direction given by this Tribunal.

7. The respondents have considered the representation of applicant on 05/02/2024. The impugned order challenging this O.A. is reproduced below:

“प्रति
प्रादेशिक सहआयुक्त पशुसंवर्धन,
नागपूर विभाग, नागपुर

विषय: मूळ अर्ज क्र. १०१४/२०२३

डॉ. प्रिया आनंदराव नागरे, पशुधन विकास
अधिकारी, विरुध्द महाराष्ट्र शासन व इतर.

संदर्भ : शासन पत्र क्र. DAHD-11013/4/2023-DAHD-
AH-1(666598) मंत्रालय, मुंबई दि. २३.०१.२०२४

उपरोक्त विषयाचे अनुषंगाने आपणास कळविण्यात येते की, डॉ. प्रिया आनंदराव नागरे, पशुधन विकास अधिकारी, यांनी मा. महाराष्ट्र प्रशासकीय न्यायाधिकरण, खंडपीठ नागपूर येथे नियत कालिक बदली शासन आदेश दि. १५/०५/२०२३ अन्वये जिल्हा पशुवैद्यकीय सर्वचिकित्सालय, वर्धा जि. वर्धा या पदावरून पशुधन विकास अधिकारी, गट-अ जिल्हा पशुवैद्यकीय सर्वचिकित्सालय, जि. भंडारा येथे बदली करण्यात आल्याने व्यथित होवून, सदर आदेशाविरुध्द मा. महाराष्ट्र प्रशासकीय न्यायाधिकरण, नागपूर येथे मूळ अर्ज क्र. १०१४/२०२३ दाखल केला आहे. संदर्भाधीन प्रत्रान्वये प्रस्तुत न्यायालयीन प्रकरणी मा. न्यायाधिकरणाने दि. १४/१२/२०२३ रोजीच्या आदेशान्वये अर्जदार यांचे निवेदनावर निर्णय घेण्याबाबत आदेश पारित केल्याचे अवगत करण्यात आले आहे.

प्रस्तुत प्रकरणी संदर्भित शासन पत्रामध्ये सदर प्रकरणात दिनांक १४/१२/२०२३ रोजीचे आदेश विचारात घेऊन प्रस्तुत प्रकरणी अर्जदार डॉ. प्रिया नागरे यांच्या दि. २०/०४/२०२३ व दि. २८/१२/२०२३ रोजीच्या निवेदनावर दि. २८/१२/२०२३ रोजी पार पडलेल्या नागरी सेवा मंडळाच्या बैठकीत विचारविनियमय करण्यात आला असून प्रस्तुत प्रकरणी भंडारा जिल्ह्यातील मोठ्या प्रमाणात रिक्त असलेली पदे विचारात घेवून सक्षम प्राधिकाऱ्यांच्या मान्यतेने " नियतकालिक बदली २०२३ मध्ये दि. १५.०५.२०२३ रोजी दिलेली पदस्थापना कायम ठेवण्यात यावी " या प्रमाणे निर्णय घेण्यात आला आहे

त्याअनुषंगाने नमुद केलेली वस्तुस्थिती डॉ. प्रिया आनंदराव नागरे, पशुधन विकास अधिकारी यांना आपल्या स्तरावरून कळविण्यात यावे.

सोबत- संदर्भित शासन पत्र.

सहआयुक्त पशुसंवर्धन (मुख्यालय),
पशुसंवर्धन आयुक्तालय, महाराष्ट्र राज्य,
औंध, पुणे-६७”

8. Applicant was at Wardha for about 10 years. It appears that applicant do not want to continue her service in other district. She is insisting to keep her in Wardha District. It appears that applicant is not interested to join at Bhandara. Even after the rejection of her O.A. she did not join.

9. The service of the applicant is transferrable. She is bound to follow the conditions of service. Earlier the O.A. filed by applicant is already dismissed by this Tribunal. Direction given by this Tribunal is followed by the respondents. Her representation was considered and it was rejected on the ground that there are many vacancies at Bhandara. Moreover, the applicant was at Wardha since last more than 10 years. Hence,

the impugned order of rejection of her representation cannot be said to be illegal. Hence, the following order:-

O R D E R

O.A. is dismissed with no order as to costs.

(Justice M.G.Giratkar)
Vice Chairman.

Dated :-24/01/2025.
PRM.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Piyush R. Mahajan.

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 24/01/2025.