

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 823 of 2024 (S.B.)**

Nilesh Shaligram Ingale,
Aged 53 yrs, Occ: service as programmer,
R/o Panchashil Colony, Congress Nagar Road,
Amravati, Tq. & Distt. Amravati.

Applicant.

Versus

- (1) The State of Maharashtra,
through its Principal Secretary,
Higher & Technical Education Department,
Mantralaya, Mumbai-32.
- (2) Directorate of Technical Education,
Mumbai.
- (3) Joint Director,
Technical Education Regional Office,
Govt. Polytechnic Campus,
New Cotton Market Road, Sahkarnagar, Amravati.
- (4) Subodh Ramrao Wankhade,
Aged 57 yrs, Occ Service,
R/o Friends colony, Near Ganpati Mandir,
Walgaon Road, Amravati.
Tq. & Distt Amravati.

Respondents.

Shri P.S. Gawai, Advocate for the applicant.

Shri A.M. Khadatkhar, learned P.O. for respondent nos.1 to 3.

**S/Shri S.R. Babhulkar, A.M. Telange, Ms.P.S. Kaware, Advs. for
respondent no.4.**

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

Dated :- 03/03/2025.

JUDGMENT

Heard Shri P.S. Gawai, learned counsel for applicant, Shri A.M. Khadatkhar, learned P.O. for respondent nos.1 to 3 and Shri S.R. Babhulkar, learned counsel for applicant along with Ms. P.S. Kaware, learned counsel for respondent no.4.

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

The applicant is working as a Programmer at Polytechnic College, Amravati. Respondent no.2 suddenly transferred the applicant on administrative ground at Khamgaon as per order dated 31/08/2024. The applicant is on dialysis since 2017. As per G.R. dated 09/04/2018, the applicant cannot be transferred. The applicant made representation to respondent no.3 on 31/08/2024, but it is not considered. Respondent no.4 is transferred in place of applicant who was transferred from Amravati to Khamgaon in the year 2023 within a period of one and half years. The applicant is transferred in mid-term, therefore, he prayed to cancel the impugned transfer order dated 31/08/2024.

3. The O.A. is strongly opposed by the respondent authority. It is submitted that the applicant was due for transfer. Respondent no.4 requested to the respondent authorities to transfer him at Amravati. Therefore respondent no.4 is transferred in place of applicant. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, the learned counsel for applicant has pointed out the G.R. dated 09/04/2018 and submitted that there was no any vacant post to transfer respondent no.4. In view of this G.R., respondent no.4 should not have been transferred in place of applicant. Hence, the impugned transfer order is liable to be quashed and set aside.

5. The learned counsel for applicant has submitted that there is no dialysis facility at Khamgaon. The applicant is on dialysis, he is getting treatment of Doctor at Amravati. He has pointed out the documents filed on record and submitted that the respondent authorities should have considered the difficulty of applicant. Hence, prayed to allow the O.A. and quash and set aside the transfer order.

6. During the course of submission, learned P.O. has submitted that the applicant was working at Amravati since last 13 years. He was due for transfer. Therefore, on the request of respondent no.4, he is transferred to Amravati in place of applicant. The applicant had not made any request to retain him to Amravati on the ground of his illness. Hence, the applicant cannot say that he is wrongly transferred. The learned P.O. has submitted that the applicant has joined at the transferred place. Hence, O.A. becomes infructuous.

7. The learned counsel for respondent no.4 has pointed out the documents filed on record. As per her submission, the facility for dialysis is available at Khamgaon. She has pointed out the newspaper cutting at page no.64 and submitted that the news was published in the newspaper.

8. There is no dispute that the applicant was due for transfer. He has completed 13 years of service at Amravati. The applicant not made any request to the respondent authorities to retain him at Amravati. Respondent no.4 requested for transfer from Khamgaon to Amravati. His request was considered. Hence, it cannot be said that impugned transfer order is illegal. The guidelines in the G.R. dated 09/04/2018 show that if the post is vacant, then request transfer can be considered. The applicant was due for transfer therefore it was presumed that the post was vacant and therefore respondent no.4 is transferred in place of applicant.

9. No any stay was granted by this Tribunal to the impugned transfer order. There is no dispute that the applicant has joined at the transferred place. Respondent no.4 also joined at the transferred place. Hence, the O.A. becomes infructuous. There is no any illegality in the impugned transfer order. The applicant was due for transfer. He had not made any request to the respondent authorities to retain him at Amravati. Hence, there is no any illegality on the part of the

respondent authorities to issue the transfer order. Therefore, the following order is passed -

ORDER

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

Dated :- 03/03/2025.

dnk.

(Justice M.G. Giratkar)
Vice Chairman.

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

Name of P.A. : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/03/2025.