

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**  
**ORIGINAL APPLICATION No. 508 of 2023 (S.B.)**

Umesh Baburao Sonone,  
Aged about 48 years,  
R/o Snehagandha Colony, Akoli Station Road,  
Amravati.

**Applicant.**

**Versus**

- 1) The State of Maharashtra,  
through its Secretary,  
Higher and Technical Education,  
Mantralaya, Mumbai-32.
- 2) Joint Director,  
Technical Education,  
Regional Office, Amravati.
- 3) Principal,  
Government Polytechnic,  
Gadge Nagar, Amravati.

**Respondents.**

---

**Shri S.N. Gaikwad, Advocate for the applicant.**  
**Shri V.A. Kulkarni, learned P.O. for respondents.**

---

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

**Dated :- 03/01/2025.**

---

**JUDGMENT**

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

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

The Applicant has been appointed on the post of Junior Clerk in Government Polytechnic College, Amravati by Order dated 24/05/2013. The Applicant has joined on the

said post on 04/06/2013. The applicant is transferred to Yavatmal as per order dated 30/05/2023. The Government of Maharashtra has issued G.R. dated 09/04/2018, in which procedure has been laid down as to how transfer can be made. As per the G.R., the applicant has given options, but those were not considered by the respondents and he is transferred to Yavatmal. Hence, the applicant approached to this Tribunal for the following reliefs:-

*“71. Quash and set aside the impugned Transfer order dated 30/05/2023(Annexure A-1)transferring the Applicant from the post of Junior Clerk, Govt. Polytechnic, Amravati to Government Engineering College Yavatmal.*

*2. Stay the effect and operation of Transfer order dated 30/05/2023(Annexure A-1) transferring the Applicant from the post of Junior Clerk, Govt. Polytechnic, Amravati to Government Engineering College Yavatmal, during the pendency of Original Application.*

*3. Direct the Respondents to consider the Representation of the Applicant dated 31.05.2023 (Annexure A-7) sympathetically.*

*(8) During the pendency of the present Original Application stay the effect and operation of transfer Order dated 30/05/2023, transferring the Applicant from Junior Clerk, Govt. Polytechnic, Amravati to Government Engineering College, Yavatmal and further direct the Respondents to consider the Representation of the Applicant.”*

**3.** The O.A. is strongly opposed by the respondents. In Para 7 of the reply, the Respondents have stated that the

choices of the applicant were considered. His service was urgently required at Yavatmal, therefore, he is transferred to Yavatmal. Para 7 of the reply is reproduced below:-

*“ (7) as to para 4.6. – Contents of this para are related to choices given by the applicant pursuant to the G.R. dated 9/4/2018 and hence need no reply. It is specifically denied that this respondent has not taken into account the choices given by the applicant. It is submitted that the applicant has given five choices, where he would like to be posted in the event of transfer, which are as follows –*

- (1) Office of the Jt. Director of Technical Education, Amravati.*
- (2) Govt. Engineering, Amravati.*
- (3) Govt. Pharmacy, Amravati.*
- (4) Govt. Polytechnic, Murtizapur.*
- (5) Govt. Polytechnic, Achalpur.*

*Out of the aforesaid choices first three are from station Amravati itself where he has been already working for last 9 years, 11 months and 25 days till the date of his transfer to Yavatmal where his services are required urgently. So far his choices at no.4 and 5 are considered and the posts of Jr. Clerk are not vacant.”*

4. During the course of submission, learned Advocate for applicant Shri S.N. Gaikwad has submitted that the posts of the choices given by the applicant are still vacant. Learned P.O. has submitted that those posts are not vacant. Learned Advocate Shri S.N. Gaikwad has submitted that the respondents be directed to consider the representation of the applicant.

5. There is no dispute that from the date of appointment i.e. from 2013, the applicant was working at Amravati. As per the submission made by P.O. Shri V.A. Kulkarni, the request of applicant was considered from time to time and after completion of 9 Years, 11 Month, he is transferred from Amravati to Yavatmal. His service was urgently required at Yavatmal. The choices of posting given by the applicant were not vacant and therefore there is no any breach of G.R. dated 9<sup>th</sup> April, 2018.

6. The applicant is already joined at Yavatmal. The choices of posting given by the applicant were not vacant as per the statement made by the respondents in affidavit-in-reply. The service of the applicant is transferable. Hence, there is no any illegality in the impugned transfer order. Hence the following order.

**ORDER**

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

**Dated** :- 03/01/2025.

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

dnk.

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 : 03/01/2025.