

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

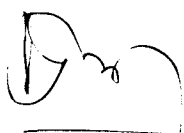
ORIGINAL APPLICATION NO.06 OF 2017

DISTRICT : KOLHAPUR

Mr. Ashok G. Dabholkar.)
Age : 54 Years, Occu.: Full Time)
Instructor (Electrical Maintenance),)
R/at : 'Madhusudan', 1065/2, C Flat No.)
8, A Ward, Rajopadhye Nagar,)
Tal.: Karveer, District Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through Principal Secretary,)
Skill Development & Entrepreneur-)
ship Department, Mantralaya,)
Mumbai - 400 032.)
2. The Director.)
Directorate of Vocational Education)
& Training, 3 Mahapalika Marg,)
Post Box No.10036, Mumbai - 1.)
3. The Joint Director.)
Vocational Education & Training,)
Regional Office, Ghole Road,)
Pune 411 005.)
4. The Head Master.)

~


Government Technical High School)
 Centre cum Industrial School,)
 Satara, 178-B, Raviwar Peth,)
 Opp. Chatrapati Shahu Sports)
 Complex, Satara.)...**Respondents**

Mr. K.R. Jagdale, Advocate for Applicant.

Mrs. A.B. Kololgi, Presenting Officer for Respondents.

P.C. : R.B. MALIK (MEMBER-JUDICIAL)

DATE : 11.04.2017

JUDGMENT

1. This Original Application (OA) can be disposed of at this stage itself. The Applicant, a Full Time Instructor (Electrical Maintenance) hereby seeks transfer from Satara to Kolhapur on health ground.

2. I have perused the record and proceedings and heard Mr. K.R. Jagdale, the learned Advocate for the Applicant and Mrs. A.B. Kololgi, the learned Presenting Officer (PO) for the Respondents.

3. The Applicant came to be transferred on his own request to Satara during the Annual General Transfers of the year 2014. The crux of the matter is that in the immediately next year, he suffered a heart attack, and

therefore, on account of the fact that his family is based in Kolhapur and from his own health and treatment point of view, Kolhapur is better than Satara, he seeks transfer to Kolhapur. The fact that he is suffering from Cardiac problem is not in dispute and in fact, the learned PO invited attention to the fact that, regard being had to his health condition itself, he was given a deputation to Kolhapur from 8.12.2015 to 30.4.2016. The record shows that, by the order of 15.2.2017, the Hon'ble Chairman disapproved of the manner in which the vital averments were traversed on behalf of the Respondents. Another Affidavit came to be filed in view thereof. It is again a common ground that as many as 71 transfers came to be effected on 9th December, 2016 and all of them were the instances of request transfers. According to the Respondents, there are two major hurdles in the way of the acceptance of Applicant's request. In the first place, there is nobody who could succeed him at Satara and that he has not completed six years at Satara. I am broadly in agreement with the learned Advocate for the Applicant that both these grounds may not be so compelling as is made out to be. He has pointed out certain instances in which even those that put in shorter duration of time, came to be transferred and also that now, the Annual General Transfers are due to be made either in this month or next



month, the necessary adjustments can surely be made. Some kind of a Circular dated 28.4.2015 issued by the Respondent No.2 provides lays down that, those suffering from the diseases set out therein, would be entitled to special treatment in the matter of transfers and postings on request. Heart trouble is one such ailment.

4. Regard being had to all the facts and circumstances and in view of the fact that Annual General Transfers could be effected any time now either this month or next month, I would commend to the Respondents to favourably consider the case of the Applicant for transfer to Kolhapur only because of health related problems and with these directions, the Original Application is disposed of with no order as to costs. Hamdast.

Sd/-

(R.B. Malik)

Member-J

11.04.2017

Mumbai

Date : 11.04.2017

Dictation taken by :

S.K. Wamanse.

E:\SANJAY WAMANSE\JUDGMENTS\2017\4 April, 2017\O.A.6.2017.w.4.2017.Transfer.doc