

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

**ORIGINAL APPLICATION NO.1250/2023 (S.B.)**

Shri Sachin Parshuram Nikam,  
Aged 42 years, Occu: Service (Inspector of Motor Vehicle),  
Permanent Resident of D-403, Samrat Gokuldham,  
Hirawadi, Nashik.

... **APPLICANT**

**// V E R S U S //**

- 1] State of Maharashtra,  
Through Principal Secretary,  
Department of Home,  
Mantralaya, Mumbai -32.
- 2] State of Maharashtra,  
Through Principal Secretary,  
Department of Transport,  
Mantralaya, Mumbai -32.
- 3] Transport Commissioner,  
Maharashtra State, MTNL Building No. 2,  
5<sup>th</sup> Floor, MG Road, Fort, Mumbai-1.
- 4] Deputy Regional Transport Officer,  
Yavatmal, Nagpur Bypass, Yavatmal

... **RESPONDENTS**

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**Shri A.C. Dharmadhikari, Advocate for the Applicant.**  
**Shri M.I. Khan, learned P.O. for the Respondents.**

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

**Dated :- 06/01/2025.**

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**J U D G M E N T**

Heard Shri A.C. Dharmadhikari, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

2. Applicant was transferred to Parbhani from Yavatmal. Wife of applicant is working at Nashik in Maharashtra Engineering Research Institute, Nashik. The applicant has challenged the impugned order dated 03/11/2023. This Tribunal has not granted any stay to the said impugned order on the ground that applicant was already relieved and he had joined at the place. This Tribunal has observed in Para 4 of the said order dated 30/11/2023 that “the applicant is at liberty to make representation. If he makes any representation, the respondents shall decide the same within a period of six weeks from the date of representation of the applicant.”

3. Learned Counsel for the applicant has submitted that applicant met with an accident. There is nobody to look after him at Parbhani. His wife is working at Nashik, therefore, he again made representation on 18/19.08.2024. The said representation is not decided by the Respondents. Learned Counsel for the applicant has pointed out Government Resolution dated 27/11/1997. The Government has taken decision to place husband and wife at the same place. The clause 10 of the G.R. is reproduced below:-

“१०. पती-पत्नी यांची बदली -

जेव्हा पती व पत्नी या दोघांची बदली करावयाची असेल, तेव्हा ती एकाच ठिकाणी करण्यात यावी. मात्र खालील प्रकरणी सहानुभूती व गुणात्मक विचार करून वरिष्ठ अधिका-यांच्या सहमतीने विचार करण्यात यावा.

(अ) पती व पत्नी यांना पदाअभावी एकाच ठिकाणी ठेवता येणे शक्य नसेल,

(ब) जेव्हा दोघांपैकी एक कर्मचारी बदलीपात्र नसेल,

(क) अन्य काही कारणामुळे पती अथवा पत्नी यांची बदली सर्वथा टाळता येणे शक्य नसेल.”

4. Respondents have not taken into consideration the G.R. dated 27/11/1997. Learned P.O. has submitted that earlier the

applicant was posted at Nashik. Applicant was transferred to Yavatmal and after completion of normal tenure he was transferred to Parbhani. Therefore, it cannot be said that the applicant was at Nashik throughout his service. Hence, in view of G.R. dated 27/11/1997, the respondents should have considered the representation of the applicant. Hence the following order:-

**O R D E R**

- (i) O.A. is partly allowed.
- (ii) The respondents are directed to consider the representation of the applicant dated 18/19.08.2024 in view of the G.R. dated 27/11/1997 within a period of two months from the date of receipt of this order.
- (iii) No order as to costs.

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

**Dated :-06/01/2025.**  
**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 : 06/01/2025.