

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL****NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 1236/2023(S.B.)**

1. Vilas Zitruji Chaudhari,  
Aged about 52 years, Occ.: Sr. Clerk,  
R/o. Kumare Lay-out, Near Savitribai Fule  
Vidyalaya, Sindhi (Meghe), Wardha.
2. Pramod Duryodhan Mudhe,  
Aged about 53 years, Occ.: Sr. Clerk,  
R/o. Sant Dnyaneshwar Nagar,  
Ward No. 9, Manasmandir, Wardha.
3. Dhanraj Ramaji Mhaiske,  
Aged about 51 years, Occ.: Sr. Clerk,  
R/o. Deshpande Lay-out, Nalwadi, Wardha.
4. Vilas Bapuraoji Kadu,  
Aged about 51 years, Occ.: Sr. Clerk,  
R/o. Sant Dnyaneshwar Nagar, Ward No. 9,  
Manasmandir, Wardha.
5. Vinod Harish Borkar,  
Aged about 49 years, Occ.: Sr. Clerk,  
R/o. New Iswar Nagar, Ward No.4,  
Masala, Wardha.

**Applicants.**

**Versus**

1. The State of Maharashtra,  
Through its Principal Secretary,

Public Works Department,  
Mantralaya, Mumbai-32.

2. The Chief Engineer,  
Public Works Department,  
Nagpur Region, Civil Lines, Nagpur.
3. The Coordinate Superintendent Engineer,  
Nagpur Region, Nagpur, Civil Lines, Nagpur.
4. The Superintendent Engineer,  
Public Works Department,  
Chandrapur Circle, Chandrapur.
5. The Superintendent Engineer,  
Public Works Department,  
Gadchiroli Circle, Gadchiroli.
6. The Executive Engineer,  
Public Works Division,  
Civil Lines, Wardha..
7. Sachin Ramesh Giripunge,  
Aged about 35 years,  
Occ.: Senior Clerk,  
Public Works Division Compound, Wardha.

**Respondents.**

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Shri J.R.Kidilay, Ld. Counsel for the applicants.  
Shri M.I.Khan, Ld. P.O. for the respondents 1 to 6.  
Shri D.R.Bhojar, Ld. counsel for the respondent no.7.

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**Coram:- Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.**  
**Dated: - 08<sup>th</sup> May, 2024.**

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## **JUDGMENT**

Heard Shri J.R.Kidilay, learned counsel for the applicants, Shri M.I.Khan, learned P.O. for the Respondents 1 to 6 and Shri D.R.Bhoyar, learned counsel for the respondent no.7.

2. Case of the applicants in short is as under-

All the applicants challenged transfer of respondent no.7 on the ground that though he was transferred to Gadchiroli District, after one year again he was transferred in Wardha District by modifying earlier transfer order. All applicants are working in the Gadchiroli District since last year 2019. As per the G.R. dated 06.08.2002, applicants are entitled to get choice posting. Therefore, applicants approached to this Tribunal for the following reliefs-

- i) to hold and declared that the action on the part the Respondents No. 1 to 6, in modifying promotional transfer order Annexure - A8 of the Respondent No. 7 dated 10/ 11/ 2023, from Gadchiroli to Wardha is illegal,*
- ii. to quash and set aside the said modified promotional transfer order of the Respondent No. 7 Annexure -A8, dated 10/11/2023 issued by the Respondent No. 3, in the interest of justice to issue directions to the Respondents No. 1 to 6 to consider the request transfer applications of the Applicants No. 1 to 5 for transferring against available vacant posts of Senior Clerk in Wardha district, in the interest of justice.*
- iv. allow the instant application with costs.*
- v. to grant any other relief which may be deemed, fit and proper in the circumstances of the case.*

3. The O.A. is opposed by the respondents. It is submitted that their cases were considered by the D.P.C. and their request were rejected on the ground that the posts were not available in Arvi, Wardha District.

4. The applicants are working in the P.W.D. Department in the Naxalite/Tribal area. The Government has issued G.R. dated 06.08.2002. As per Clause No. 2(B) sub-clause(3) of the G.R., the employees who have completed three years service in the Naxalite/Tribal area, they are entitled to get three choice posting.

5. The learned P.O. has submitted that the choice of three districts as laid down in the G.R. dated 06.02.2002 is to be given by the employee. Hence, the O.A. is liable to be dismissed.

6. There is no dispute that respondent no.7 was transferred in Gadchiroli District. He did not join there, but after one year the transfer order of the respondent no.7 is modified and he is posted in Wardha.

7. The learned counsel for the applicants submits that the respondents have shown favouritism. As per his submission, the applicants are entitled for transfer in Wardha District in view of G.R. dated 06.08.2002. There is no dispute that as per G.R. dated 06.08.2002, the employees are to be posted as per their choice given

after completion of three years of service in the Naxalite / Tribal area. Hence, the following order.

**ORDER**

1. The O.A. is partly allowed.
2. The respondents are directed to consider representations made by the applicants.
3. Respondents 1 to 6 are directed to consider the request of applicants by transferring them as per their choice given in view of G.R. dated 06.08.2002, if the posts are vacant.
4. Their request be considered in the coming General Transfers of the year 2024.
5. No order as to costs.

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

**Dated – 08/05/2024.**  
**rsm.**

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

Name of Steno : Raksha Shashikant Mankawde  
Court Name : Court of Hon'ble Vice Chairman.  
Judgment signed on : 08/05/2024.  
Uploaded on : 15/05/2024.

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