

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 541/2023(S.B.)

Pallavi D/o Prakashrao Lende @
Pallavi W/o Shrikant Khandare,
Aged about 34 years, Occupation Service,
R/o. 'Akshay Plaza', Jatharpeth Chowk, Akola,
Tah. and District Akola.

Applicant.

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Tribal Development,
Mantralaya, Mumbai - 400 032.
2. The Additional Commissioner,
Tribal Commissioner, Amravati Division,
Amravati, Office at Near Commissioner of Police Office,
Behind T.B. Hospital, Amravati,
Tah. and District Amravati.
3. Project Officer
(Integrated Tribal Development Project),
Akola, Office at Mahsul Bhawan,
Near Maheshwari Bhawan,

New Radha Kisan Plot, Akola,
Tah. and District - Akola.

4. The Project Officer
(Integrated Tribal Development Project),
Dharni, Tah. Dharni,
District - Amravati.
5. Sanjay s/o Nimaji Bhopale,
Aged Major, Occupation - Service.
6. Gopal R. Wankhade, Aged Major,
Occupation - Service.
7. Duryodhan s/o Dharmaji Dandge,
Aged Major, Occupation - Service.

Nos. 5 to 7 R/o C/o Office at Project Officer
(Integrated Tribal Development Project), Akola,
Office at Mahsul Bhawan,
Near Maheshwari Bhawan,
New Radha Kisan Plot, Akola,
Tah. and District - Akola.

Respondents

Shri A.M.Tirukh,Ld. Counsel for the applicant.
Shri S.A.Sainis, Ld. P.O. for the respondent nos.1 to 4.
None for the respondents 5, 6 & 7.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 12th April, 2024.

JUDGMENT

Heard Shri A.M.Tirukh, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the respondent nos.1 to 4. None for the respondents 5, 6 & 7.

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

The applicant was appointed on the post of Deputy Accountant on 02.09.2015. Since then she is working in the office of Project Officer, Akola. The respondent no.2 informed all the Project Officers working under him about procedure to be adopted for promotion. As per communication dated 21.03.2023, the applicant and other Class – III employees working under Project Officer, Akola were due for promotion. The applicant is promoted and transferred to Dharni from Akola. It is submitted that promotional post is vacant at Akola and therefore prayed to quash and said aside the impugned order.

3. The O.A. is strongly opposed by the respondent nos.1 to 4 by filing reply. It is submitted by the respondent nos. 1 to 4 that the applicant was appointed by the Tribal Development department, Amravati in the year 2015. She was appointed as a Head Clerk and given appointment at Akola on 07.09.2015. It is pertinent to note

that her place of the residence is of Akola itself. The applicant is working at Akola since 2015. She was due for transfer and therefore on promotion she was transferred to Dharni. Hence, the O.A. is liable to be dismissed.

4. During the course of submission, learned counsel for the applicant submits that the mother-in-law of the applicant is suffering from Paralysis and the promotional post is vacant at Akola. Therefore, the impugned order is liable to be quashed and set aside.

5. The learned P.O. submits that the transfer is a condition of the service and the applicant was serving at Akola since 2015. She was due for transfer and therefore she was transferred to Dharni on promotion. Hence, the O.A. is liable to be dismissed.

6. There is no dispute that service of the applicant is transferable. The applicant is working at Akola since 2015. The applicant cannot say that on the ground of her mother-in-law, she should be continued at Akola. There is no dispute that once the applicant has accepted appointment order having a condition of transferable service, then she has to follow the same. The applicant is transferred because she was due for transfer. The applicant is working at Akola since 2015. Since last near about 8-9 years she is

working at Akola. Therefore, the applicant was transferred to Dharni on promotion. The applicant has not refused the promotion. She wants promotion and also to cancel the transfer order. Transfer is a condition of service. The applicant was due for transfer. Hence, the following order-

ORDER

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

(Justice M.G.Giratkar)
Vice Chairman

Dated – 12/04/2024.
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 : 12/04/2024.
Uploaded on :
