

O.A. No. 756/2018 (S.B.)

(Sheetal Punjabrao Kait (Sheetal wd/o Vishnu Gadhade) V/s State and three others).

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J)**

Dated : 29th September 2018.

Oral order

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos. 1 to 3. None for R.4.

2. Vide impugned order dated 24.9.2018, the applicant who is a young widow and working on the post of Forest Guard, has been transferred from Deori to Arjuni Morgaon and in her place, respondent No.4 has been posted. The order of transfer is *vice versa*. It is stated that neither the applicant nor respondent No.4 has yet been relieved. *Prima facie*, it seems that the order of transfer is mid-term, since it is issued in the month of

September 2018. But, the order seems to be general transfer order also, since as many as 55 persons have been transferred. It is really surprising as to why the Govt. is not following the provisions of the Transfer Act, 2005 which makes it obligatory on the Govt. authorities to make transfer in the month of April or May every year.

3. Prior to issuance of order in the month of April or May itself, i.e. on 29.5.2018, the applicant seems to have made representation, requesting that she may be retained for one year considering academic educational session of her daughter. In spite of such request, the applicant has been transferred. It is, however, an admitted fact that the applicant was due for transfer and has not given options as per G.R. dated 9.4.2018.

4. The Ld. counsel for the applicant submits that the applicant may be allowed to file comprehensive representation making a further

request after transfer to retain her at Deori for this academic session only, since the respondent No.4 will not be prejudiced by such extension, if such representation is considered within a stipulated period. The applicant, therefore, seeks permission to withdraw the O.A. with liberty to file representation.

5. Considering the fact that the transfer order is passed in the month of September 2018 coupled with the fact that it is a mid term transfer and further that it is a *vice versa* transfer and both i.e. the applicant and respondent No.4 are not yet relieved, it will be in the interest of justice to allow the applicant to withdraw the O.A. with liberty to file representation. Hence, the following order:-

ORDER

- (i) The O.A. stands disposed of as withdrawn with no order as to costs.
- (ii) The applicant will be at liberty to file

comprehensive representation for her extension at Deori for this academic session. Such representation shall be filed within one week. On receiving such representation, the respondent No.3 is directed to take necessary decision as may be deemed fit, considering difficulties of the applicant as well as the difficulty of respondent No.4 and shall communicate the decision to the applicant and the respondent No.4 in writing. Since neither the applicant nor respondent No.4 have been relieved from their respective places, the respondent No.3 is directed to allow both to continue at their respective places till the

decision is taken on the representation.

- (iii) A decision on the representation shall be taken within four weeks from the date of receipt of such representation.
- (iv) No order as to costs.

Vice-Chairman(J)

Dt. 29.9.2018.

pdg.