

O.A. No.766/2017.

(Dr. Vandana R. Hedao & 1 V/s State of Mah. and 4 others)

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 7th October 2017.

C.A. No. 483/2017.

Heard Shri S.C. Deshmukh, the learned counsel for the applicants and Smt. S.V. Kolhe, the Ld. P.O. for the respondents.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants' paying requisite Court fees, if not already paid. C.A. is disposed of accordingly.

O.A. No.766/2017.

1. Heard both sides.

2. The applicant No.1 Dr. Vandana Ramesh Hedao is the wife of applicant No.2 Dr. Swapnil Maroti Ambi.

The applicant No.1 was appointed as Livestock Development Officer on 20.4.2012 and was appointed at Amgaon, District Gondia whereas the applicant No.2 was also appointed in the same post on 29.6.2013 and was posted at Gondia.

3. On 18.1.2017, the applicant No.1 filed representation to respondent No.1 through proper channel for giving her choice posting since she has completed her normal tenure in the naxalite affected area and as per the Govt. policy a person who has completed the tenure in the naxalite affected area, is entitled to give choice posting and his choice is to be considered. However, vide impugned order dated 31.5.2017, the applicant has been transferred as Livestock Development Officer, Amgaon, District Gondia to the Panchayat Samiti, Gondia on the vacant post. The applicant has,

therefore, been transferred again in naxalite affected area for second term, though it is not admissible as per the Govt. policy. In her representation, she has asked transfer at Mobile Veterinary Polyclinic, Vaibhav Wadi, Distt. Sindhudurg. However, her request has not been considered.

4. The learned counsel for the applicants submits that even after transfer, the applicant No.1 has filed representation on 10.6.2017 and her husband also filed separate representations to respondent No.1 on 18.1.2017 and 27.6.2017 as per Annexures A-4 and A-7 respectively.

5. The learned counsel for the applicants submits that the application can be disposed of even directions are issued to the competent authority i.e. respondent No.1 to consider their

representations with a proper perspective within a stipulated period.

7. The learned counsel for the applicants invited my attention to the G.Rs issued by the Govt. of Maharashtra in respect of service conditions and facilities to be provided to the employees who are working in naxalite affected areas. The G.Rs are dated 6.8.2002 and 7.12.2004. The Govt. has given an opportunity to the employees who worked in naxalite affected areas to claim choice posting after completion of their tenure in the said area. It seems that without considering the representations of the applicants in this regard, the applicant No.1 has been transferred again in the naxalite affected area for the second term. In view thereof, application can be disposed of with directions as prayed for. Hence, the following order:-

ORDER

- (i) The O.A. is disposed of.
- (ii) The respondent No.1 is directed to take into consideration the representations filed by the applicant No.1 on 18.1.2017 and 10.6.2017 and the representations filed by the applicant No.2 on 18.1.2017 and 27.6.2017 considering the personal problems of the applicants as well as considering the policy decision as per the G.R. dated 6.8.2002 and other G.Rs in the field. A decision on the

representation of the applicants shall be taken within **two weeks** from the date of this order.

- (iii) It is stated that the applicant No.1 is only transferred, but has not yet been relieved. The respondents are, therefore, directed not to relieve the applicant No.1 from her post at Amgaon, Distt. Gondia till a decision is taken on the representation and the same is communicated to the applicants in writing.
- (iv) No order as to costs.

(J.D.Kulkarni)
Vice-Chairman(J)

pdg

O.A. No.665/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 7th October 2017.

Shri N.R.Saboo, the learned counsel for the applicants and Shri M.I. Khan, the Ld. P.O. for the respondents.

At the request of Ld. P.O., S.O. **three weeks** for filing reply.

Vice-Chairman(J)

pdg

O.A. No.670/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 7th October 2017.

C.A. 430/2017.

Shri N.R.Saboo, the learned counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondent/State.

Await service to R.2.

The learned counsel for the applicants submits that respondent No.2 has been served and he will file service affidavit to that effect.

At the request of Ld. P.O., S.O. **three weeks** for filing reply.

Vice-Chairman(J)

pdg

O.A. No.664/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 7th October 2017.

Shri R.V. Shiralkar, the learned counsel for the applicants and Shri S.A. Sainis, the Ld. P.O. for the respondents.

At the request of Ld. P.O., S.O. **three weeks** for filing reply.

Vice-Chairman(J)

pdg

O.A. No.621/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 7th October 2017.

None for the applicant. Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

At the request of Ld. P.O., S.O. **four weeks** for filing reply.

Vice-Chairman(J)

pdg

O.A. No.622/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 7th October 2017.

None for the applicant. Shri H.K. Pande, the Ld. P.O. for the respondent/State.

At the request of Ld. P.O., S.O. **four weeks** for filing reply.

Vice-Chairman(J)

pdg