

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10753 OF 2023

Sandip Shivram Kajave ... Petitioner.

V/S.

Union Of India Thr The
Secretary And Ors ... Respondents.

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Mr.Gouresh Mogre for the Petitioner.
Ms.Naveena Kumari for the Respondents.

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**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 20 September 2023.

P.C. :

Heard learned counsel for the Petitioner. The Petitioner is seeking to challenge the order passed by Central Administrative Tribunal (CAT) dated 18 August 2023 rejecting the Petitioner's original application setting aside the orders dated 11 December 2018 and 12 March 2019 by which on promotion the Petitioner was transferred from Khirkee, Pune to Chandrapur. A representation of the Petitioner was rejected by an order dated 12 December 2018.

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2 The Petitioner was appointed as Chargeman Grade II on

02 January 2010 under the physically handicapped quota. He joined at Kirkee Pune on 08 February 2010 and has continued to work there. The Petitioner challenged his transfer order firstly in the year 2016, Tribunal dismissed the original application on 04 January 2018. The Petitioner challenged the said order in this Court. While the same was pending the Petitioner was promoted and transferred to (Chanda)Chandrapur, Maharashtra. The Petitioner challenged the said order by present Original Application. The Tribunal has rejected the original application by the impugned order.

3 The learned counsel for the Petitioner has reiterated the contentions raised by the Petitioner before the Tribunal. The contention of the Petitioner is that the Petitioner being handicapped has a right under Section 20 of the Rights of Persons with Disabilities Act, 2016. The Petitioner has also relied upon the Policy laid down in the Office Memorandum dated 31/3/2014. The Petitioner also contends that (Chanda) Chandrapur is a hard posting. The learned counsel for Respondents have contended that the guidelines dated 31/3/2014 that as far as possible, persons with disability be exempted from vocational transfer policy, however, this transfer is on promotion and the establishment at (Chanda) Chandrapur is in need of placement of the Petitioner because of his expertise.

4 On perusal of the impugned order, we do not find any error. The Petitioner does not have any vested right to retain him

only at particular place in his service career. In this case at Kirkee near Pune. The Petitioner has continued on the same post for 13 years. As regards his disability is concerned, the policy is to avoid rotational transfer, but in the present case it is a promotional and petitioner has not moved from Kirkee, Pune for almost 13 years.

5 The Petitioner's expertise lies in technical aspects of amunition, mortar and grenades. The establishment at Chanda (Chandrapur) requires the expertise of the Petitioner. Inspite of the orders of 2018 onwards Petitioner has not joined at Chanda (Chandrapur). The contention raised by the Petitioner that it is a hard posting can not be accepted, considering the nature of duties of the Petitioner and that for the expertise of the Petitioner in this very area that the Petitioner is needed. Any further indulgence in favour of the Petitioner would be promoting indiscipline in the services. The Petitioner has spent 13 years at Pune. It is high time that the Petitioner joins his transferred posting, where he is needed.

6 Writ Petition is accordingly rejected.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)