



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 3071 OF 2024

(The State of Maharashtra and Others...Kalbirsingh s/o. Sarbulsingh Kalsi)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.S. Rao, AGP for petitioners/State.
Mr. Anand Jaiswal, senior counsel a/b Mr. K.S. Narwade,
counsel for the respondent.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 27-06-2024

Heard.

2. The order of Maharashtra Administrative Tribunal ("MAT"), Nagpur, delivered in Original Application No. 483/2023, on 27.6.2023 is questioned by the State Government on the ground of an enquiry being pending against the respondent in relation to existence of certain transfer syndicate/racket in the office of R.T.O. been conducted by the officials.

3. The respondent officer with the office of R.T.O. was shown to be initially a suspect involved in the said racket. However, it appears that the report submitted by the Commissioner of Police does not implicate him.

4. A reliance can be placed on the communication dated 25.1.2024, issued by the then Commissioner of Police making his recommendations about posting and departmental enquiry.

5. The said communication does not reflect the applicant being named prima facie as a person involved.

6. In this background, the contentions raised by learned AGP Mr. N.S. Rao that the respondent is not entitled for choice posting having already served in naxal affected area cannot be accepted. Rather, the case of the respondent officer can be said to be covered by the mandate of Government Resolution dated 6.8.2002 which in expressed terms provides that the officers in group A and group B category having discharged satisfactory work for a period of three years in tribal affected area, are entitled for choice posting.

7. It is not factually disputed that the respondent has already served for a period of more than three years in tribal dominated area i.e. Chandrapur District, and as such, has given his choice for further posting.

8. In the aforesaid backdrop, we see no reason to cause interference as the order appears to be passed based on the policy of the State Government reflected in Government Resolution dated 6.8.2002.

9. That being so, Writ Petition is devoid of merit and stands dismissed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)