

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,  
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 268 OF 2024**

**DISTRICT : DHARASHIV**

**Santosh s/o Shivajirao Nalawade,** )  
Age : 54 years, Occu. : presently working as )  
Assistant Project Officer, equivalent to )  
Assistant Block Development Officer, District )  
Rural Development Agency, Zilla Parishad, )  
Dharashiv District Dharashiv. )  
R/o. 1/39, Vidya Nagar, Dharashiv, )  
District Dharashiv. )

.... **APPLICANT**

**V E R S U S**

1. **The State of Maharashtra** )  
(Through its Principal Secretary )  
Rural Development Department, )  
3<sup>rd</sup> Floor, Bandhkam Bhavan, 25 Marzban )  
Path, Fort, Mantralaya, Mumbai-01. )
2. **State Election Commission,** )  
New Administrative Building, 5<sup>th</sup> Floor, )  
Mantralaya, Mumbai -32. )
3. **The Chief Executive Officer,** )  
Zilla Parishad, Dharashiv, Main Road, )  
Dharashiv, District Dharashiv. )

... **RESPONDENTS**

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**APPEARANCE** : Shri V.B. Wagh, Counsel for Applicant.

: Shri D.M. Hange, Presenting Officer for  
respondent authorities.

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**CORAM** : Hon'ble Justice Shri V.K. Jadhav, Member (J)

**DATE** : 12.04.2024  
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**ORAL - ORDER**

1. Heard Shri V.B. Wagh, learned counsel appearing for the applicant and Shri D.M. Hange, learned Presenting Officer appearing for respondent authorities.

2. The present Original Application is disposed of finally with the consent of both the parties at the admission stage itself.

3. I do find substance in the present Original Application challenging the transfer order dated 04.03.2024 in terms of the directives issued by the Election Commission of India.

4. Admittedly district Dharashiv is the home district of the applicant and in terms of the order dated 28.03.2024, learned Presenting Officer has placed on record a copy of communication dated 04.04.2024 received from respondent No. 1, wherein it is stated that even though the applicant's posting as Assistant Nodal Officer in Postal Ballot Department has been cancelled, however he would be given the election duties.

5. In terms of para No. 3 of the directives issued by the Election Commission of India by way of communication dated 21.12.2023, the officer directly connected with the elections,

shall not be allowed to continue in the present district of posting and in terms of condition No. (i) if she/he is posed in her/his home district. There is some debate as to whether the condition No. 3(ii) is fulfilled or not. However, district Dharashiv is the home district of the applicant and he is likely to be given the election duties in the ensuing elections. The transfer order of the applicant stands covered by the transfer policy as declared by the Election Commission of India.

6. Learned counsel for the applicant has requested to extend the interim relief. However, considering the ensuing elections and since the duties of the elections have now been scheduled, I am not inclined to extend the interim relief. Hence, the following order :-

**ORDER**

- (i) Original Application stands dismissed.
- (ii) Interim relief granted earlier, if any stands vacated.
- (iii) In the circumstances, there shall be no order as to costs.
- (iv) Original Application is accordingly disposed of.

**PLACE : Aurangabad.**  
**DATE : 12.04.2024**

**(Justice V.K. Jadhav)**  
**Member (J)**