

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH**

ORIGINAL APPLICATION NO 793 OF 2023

DISTRICT : THANE

Shri Sanjay Atmaram Salunke)
Occ-Circle Officer,)
R/o: Tirthdham Complex)
Adharwadi Road, Kalyan [W],)
Dist-Thane.)**...Applicant**

Versus

The District Collector,)
Court Naka, Ad Prabhakar Hegde Rd)
Kharkar Alley, Thane 400601.)**...Respondents**

Shri K.R Jagdale, learned advocate for the Applicant.
Ms Archana B.K, learned Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar (Chairperson)

DATE : 01.08.2023

J U D G M E N T

1. The applicant, working as Circle Officer seeks to modify the impugned transfer order dated 30.6.2023 issued by Respondent transferring the applicant from the post of Circle Officer, Titwala, Tal-Kalyan Dist-Thane to the post of Awal Karkoon, Supply

Branch, office of District Collector, Thane to one of the vacant posts of Awal Karkoon at Tahsil-Ambarnath.

2. Learned counsel for the applicant pointed out that in the reply dated 21.7.2023, filed by Ms Neelima S. Suryawanshi, Tahsildar (Revenue), in the office of the Collector, Thane, in para 10, it is mentioned that the post at Tahsil Ambarnath is vacant as on today.

3. Learned P.O submits that the decision was taken by the Civil Services Board by placing the five choices given by the applicant instead of ten choice. Learned P.O further submitted that the Civil Services Board has recommended the name of the applicant to be transferred to Thane on the ground that the applicant is experienced and his services are required at District place.

4. Perused the report of the Civil Services Board dated 28.6.2023. The name of the applicant is at Sr. No. 44 and there is no reason as mentioned, except administrative reasons. Therefore, whatever reason given in the affidavit in reply that the applicant is transferred on the ground of his experience cannot be accepted. Nowhere in the affidavit in reply the Respondent-State has dealt with the query as to why the applicant was not posted at the choice of his place, i.e., at Ambarnath, where the post is kept vacant till today.

5. Under such circumstances, the indulgence of the Tribunal is required. Thus, the action of the Respondents ignoring the preference of choice given by the Applicant for posting at Tahsil Office, Ambarnath, though it is vacant, cannot be justified.

6. The Original Application is allowed. The transfer order dated 30.6.2023 is hereby modified as follows:-

The transfer of the applicant from the post of Circle Officer, Titwala, Tal-Kalyan Dist-Thane to the post of Awal Karkoon, Supply Branch, office of District Collector, Thane is modified and he is transferred from the post of Circle Officer, Titwala, Tal-Kalyan Dist-Thane to the post of Awal Karkun, Tahsil office at Ambernath.

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 01.08.2023
Dictation taken by : A.K. Nair.