

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NO.687 OF 2023

DISTRICT : Thane

SUB : TRANSFER

Shri Revan Lembhe,)
Age : 38 Yrs, working as Tahsildar)
Revenue & Forest Dept, Thane.)
R/o Collector Office, Court Naka,)
Thane.)...**Applicants**

Versus

1. The State of Maharashtra,)
Through Principal Secretary,)
Revenue Department,)
Mantralaya, Mumbai 400 032.)
2. Smt. Nilima S. Suryawanshi,)
Purchase Officer, Bhandara.)...**Respondents**

Smt. Punam Mahajan, Advocate for Applicant.

Smt. Kranti Gaikwad, Presenting Officer for Respondent No.1.

Smt. S. Chaudhari, Advocate for Respondent No.2.

CORAM : Shri Debashish Chakrabarty, Member (A)

DATE : 23.11.2023

J U D G M E N T

1. The Applicant Shri Revan Lembhe who is from the Tahsildar Cadre has invoked provisions of Section 19 of The Administrative Tribunal Act, 1985 to quash & set aside the Transfer Order dated 16.06.2023 by which Respondent No.2 was transferred to the post of Tahsildar (Revenue) Collector Office, Thane against the proposed transfer of the Applicant.

2. The Applicant was represented by Smt. Punam Mahajan, learned Advocate. Smt. Kranti Gaikwad, learned P.O. represented the Respondent No.1, while the Respondent No.2 was represented by Smt S. Chaudhari, learned Advocate.

3. The learned Advocate of the Applicant stated that he was transferred from the post of Tahsildar (ENC/RML), Kurla (2), Bhandup, Mumbai to the post of Tahsildar (Revenue) Collector Office, Thane by the Transfer Order dated 12.04.2023. The Applicant had joined on this post on 13.04.2023.

4. The learned Advocate of the Applicant further stated that he is entitled to Normal Tenure of 3 years on the post of Tahsildar (Revenue) Collector Office, Thane. The Applicant was transferred on the post of Tahsildar (Revenue) Collector Office, Thane on 12.04.2023 and had completed just about 2 months when the Transfer Order dated 16.06.2023 of Respondent No.2 came to be issued against the proposed transfer of the Applicant. The Transfer Order dated 16.06.2023 had been issued before completion of Normal Tenure of 3 years of even Respondent No.2 as she was transferred to the Vacant Post of Purchase Officer, District Bhandara where she did not join but instead, she displaced the Applicant from the post of Tahsildar (Revenue) Collector Office, Thane without he being issued any Transfer Order. Hence, there was outright contravention of the provisions of Section 3(1) of Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as 'Transfer Act, 2005'). The provisions of Section 4(4)(ii) of the 'Transfer Act, 2005' could not have been invoked to give undue accommodation to Respondent No.2 against prospective transfer of the Applicant. Therefore, even if, there was prior approval of the next Superior Transferring Authority i.e. of Hon'ble Chief Minister of Maharashtra State to the proposal submitted by Competent Transferring Authority i.e. of Hon'ble Minister in Charge of Revenue Department under provisions of Section 4(5) of 'Transfer Act, 2005' to issue Transfer

Order dated 16.06.2023 of Respondent No.2 it cannot be upheld as legal order as there was no recommendation of the Civil Services Board (CSB) and it was issued in contravention of principles laid down for exercise of statutory powers by several judgments of the Hon'ble Supreme Court and Hon'ble Bombay High Court.

5. The learned Advocate for the Applicant thereupon stated that during the pendency of this O.A. No.687 of 2023, the Respondent No.1 has belatedly issued Transfer Order of Applicant dated 09.08.2023 posting him as Tehsildar, Kurla, Mumbai Suburban District. The Applicant therefore was on Compulsory Waiting Period from 16.06.2023 to 09.08.2023. Learned Advocate for the Applicant concluded her arguments by emphasizing that the Transfer Order dated 16.06.2023 of Respondent No.2 was bad in law and must be quashed and set aside and the Applicant brought back to the post of Tahsildar (Revenue) Collector Office, Thane.

6. The learned Advocate of Respondent No.2 stated that the Applicant had no locus-standi and yet was challenging the Transfer Order dated 16.06.2023 of Respondent No.2 by which she was transferred to the post of Tahsildar (Revenue) Collector Office, Thane. Learned Advocate of Respondent No.2 then stated that Applicant has since been posted by Transfer Order dated 09.08.2023 as Tahsildar, Kurla Mumbai Suburban District. The Applicant thus been given posting on cadre post of Tahsildar and is entitled to receive Salary & Allowances as admissible to him including for the Compulsory Waiting Period from 16.06.2023 to 09.08.2023. Therefore, it was submitted by learned Advocate of Respondent No.2 that the present O.A.No.687 of 2023 had been filed prematurely by the Applicant and on these grounds was liable to be dismissed. She further submitted that the Transfer Order dated 16.06.2023 of Respondent No.2 be upheld and she allowed to continue on the post of Tahsildar (Revenue) Collector Office, Thane.

7. The learned Advocate for Respondent No.2 stated that on 09.03.2023, she was transferred from the post of Tahsildar Shahapur District Thane on completion of Normal Tenure of 3 years to the Vacant Post of Purchase Officer, District Bhandara. After Transfer Order of 09.03.2023 was issued, Respondent No.2 on account of her serious Health Conditions and as her Husband from cadre of Deputy Collectors was working as Regional Officer, MIDC at Panvel as also because her child studying in Singhania School, Thane; had submitted representation with supporting documents to the Hon'ble 'Minister in Charge' of Revenue Department on 18.03.2023 to consider her request for transfer to the post of "Chitnis", Collector Office, Thane. Thereafter in consideration of this representation submitted by Respondent No.2, her Transfer Order dated 09.03.2023 was cancelled and she was posted as Tahsildar (Revenue) Collector Office, Thane on 16.06.2023.

8. The learned Advocate for the Respondent No.2 further stated that Applicant who was serving on the post of Tahsildar (Revenue) Collector Office, Thane stood relieved from that post on the very day Transfer Order dated 16.06.2023 was issued for Respondent No.2. Then learned Advocate of Respondent No.2 stated that it was pertinent to note that by the virtue of Transfer Order dated 16.06.2023, as the Respondent No.2 had been posted in place of the Applicant as Tahsildar (Revenue) Collector Officer, Thane, she rightfully took charge of the post on 19.06.2023 on being so permitted to do so by District Collector, Thane. Therefore, there is *fait accompli* considering that Respondent No.2 had already joined on the post of Tahsildar (Revenue) Collector Office, Thane on 19.06.2023.

9. The learned Advocate for Respondent No.2 thereupon stated that transfer from one post to another is an incidence of service and in the case of Respondent No.2 the Transfer Order dated 16.06.2023 was issued for 'Administrative Reasons'. She stated that the Hon'ble Supreme Court of India and Hon'ble High Court of Judicature in several cases have consistently held the view that scope of 'Judicial Review' in the

matters of transfer of Government Servants was very limited and should not interfered with unless Transfer Order is shown to be outcome of malafide exercise or has been done in violation of statutory powers. Therefore, the same should not be interfered with except in rare cases where the Transfer Order has been made in vindictive manner. However, in present case, there is no such case made out by the Applicant; whereas Respondent No.2 was given Transfer Order on 16.06.2023 to join on the post of Tahsildar (Revenue) Collector Office, Thane pursuant to the representation made by her on 18.03.2023 citing her serious Health Condition and Personal Reasons which was duly considered by the Competent Transferring Authority who is the Hon'ble Minister in Charge of Revenue Department.

10. The learned P.O. on behalf of Respondent No.1 relied on the contents of the Affidavit-in-Reply filed dated 25.08.2023 wherein it is stated that Respondent No.2, and few officers of Tahsildar Cadre had been transferred in exercise of the powers under Section 4(5) of the Transfer Act, 2005. The Respondent No.2 was transferred to the post of Tahsildar (Revenue), Collector Office, Thane, as it was due to fall vacant on account of proposed transfer of the Applicant. The Transfer Order of Respondent No.2, dated 16.06.2023 was issued under the provisions of Section 4(5) of the 'Transfer Act, 2005' as well as under the provisions of Rule 8 of the Maharashtra Government Allotment of Revenue Divisions for appointment by Nomination and Promotion to the posts in Group A and Group B (Gazetted and Non-Gazetted) Rules, 2021 because the post of Tahsildar (Revenue) Collector Office, Thane was due to fall vacant on account of proposed transfer of Applicant. Learned P.O. further stated that it is not in dispute that by Transfer Order dated 12.04.2023, the Applicant was posted as Tahsildar (Revenue) Collector Office, Thane, and Applicant had joined on the post of Tahsildar (Revenue) Collector Office, Thane on 13.04.2023 which was just 2 months prior to issued Transfer Order of Respondent No.2 dated 16.06.2023.

11. The learned P.O. further stated that by Transfer Order dated 09.03.2023, the Respondent No.2 who was then working as Tahsildar, Shahapur, Thane was transferred to the post of Purchase Officer, District Bhandara was also issued under the provision of Section 4(5) of the Transfer Act, 2005. Further she stated that by Transfer Order dated 12.04.2023 the Applicant himself was transferred from the post of Tahsildar, (ENC/RML), Kurla (2), Bhandup Mumbai against prospective vacancy of the post of Tahsildar (Revenue) Collector Office, Thane as per provisions under Section 4 (4) of 'Transfer Act, 2005'. The Applicant was posted as Tahsildar (Revenue) Collector Office, Thane vide Transfer Order dated 12.04.2023 but as it was again decided by the Competent Transferring Authority to transfer him; the Respondent No.2 came to be posted as Tahsildar (Revenue) Collector Office, Thane on 16.06.2023. Learned P.O. admitted that Applicant had worked as Tahsildar (Revenue) Collector Office, Thane for only about 2 months. Learned P.O. further stated that it was also not in dispute that Respondent No.2 had not completed Normal Tenure of 3 years as Purchase Officer, District Bhandara because she had not joined on that Vacant Post after her transfer on 09.03.2023 from the post of Tahsildar, Shahapur, Thane.

12. The learned P.O. further admitted on the basis of Affidavit in Reply dated 25.08.2023 that proposal for transfer of Respondent No.2 to the post of Tahsildar (Revenue) Collector Office, Thane against the prospective vacancy of Applicant was not placed for due consideration and appropriate recommendation of the Civil Services Board (CSB). The meeting of Civil Services Board (CSB) on the other hand was held much later on 21.07.2023 to consider the proposal of transfer of Applicant who then under Compulsory Waiting Period because Respondent No.2 had joined as Tahsildar (Revenue) Collector Officer, Thane on 19.06.2023. She further stated that on the recommendation of Civil Services Board (CSB), the proposal for posting of Applicant was submitted by the 'Competent Transferring Authority' to next 'Superior Transferring Authority' for approval and thereafter he was posted as Tahsildar, Kurla, Mumbai Suburban District by Transfer Order dated 09.08.2023.

13. The arguments of learned Advocate for Applicant, learned P.O. for Respondent No.1 and learned Advocate for Respondent No.2 were heard at length with regard to implementation of the provision of Transfer Act, 2005 as well as facts and merits of the case which led to Transfer Order dated 16.06.2023 being issued for posting of Respondent No.2 to the post of Tahsildar (Revenue) Collector Office, Thane.

14. The Applicant was transferred from the post of Tahsildar (ENC/RML) Kurla (2), Bhandup Mumbai on 12.04.2023 on completion of Normal Tenure of 3 years to the post of Tahsildar (Revenue) Collector Office, Thane based on recommendation of the Civil Services Board (CSB). The Applicant had admittedly held the post of Tahsildar (Revenue) Collector Office, Thane for only about 2 months subsequent to his joining on 13.04.2023.

15. The Respondent No.2 on the other hand had been transferred to the Vacant Post of Purchase Officer, District Bhandara on 09.03.2023 on completion of her Normal Tenure of 3 years on the post of Tahsildar Shahapur, District Thane. She however did not join as Purchase Officer, District Bhandara citing her serious Health Conditions and Personal Reasons and requested the Hon'ble Minister in Charge of Revenue Department who is the Competent Transferring Authority on 18.03.2023 for transfer to the post of 'Chitnis', Collector Office, Thane.

16. The Applicant was allowed to join back on the post of Tahsildar (Revenue), Collector Office, Thane as per 'Ad Interim Order' passed on 19.06.2023. The Respondent No.2 had thereafter challenged the 'Ad Interim Order' passed on 19.06.2023 in favour of Applicant before the Hon'ble High Court in Writ Petition No.7913/2023. The Hon'ble High Court on 28.06.2023 had stayed the operation of the 'Ad Interim Order' dated 19.06.2023 till the Next Date. The Hon'ble High Court has since disposed of Writ Petition No.7913/2023 on 04.09.2023 wherein following orders was passed:-

“Considering this position, we dispose of the Writ Petition continuing the order dated 20th June 2023 passed in this Writ Petition till disposal of Original Application No.687/2023. The Tribunal will no doubt note the concern expressed by the Respondent No.2/Applicant and the assurance given by the Petitioner before us for early disposal of the Original Application. The Original Application will be decided on its merits unaffected by the impugned order and the order of this Court.”

17. The Transfer Order dated 16.06.2023 of Respondent No.2 was issued on the recommendation of Competent Transferring Authority under Section 4(4)(ii) and with prior approval from next Superior Transferring Authority under Section 4(5) of the ‘Transfer Act, 2005’. However, Respondent No.2 was posted as Tahsildar (Revenue) Collector Office, Thane against the proposed transfer of Applicant. The Transfer Order dated 16.08.2023 mentions “तहसिल (महसूल) जि. ठाणे मा.श्री. रेवण लेथे यांच्या प्रस्तावित बदलिले रिक्त होणा-या पदावर”. Such transfers against prospective vacancy where the transfer of the incumbent Government Servant has not even been proposed is preposterous and not contemplated under the ‘Transfer Act, 2005’. Only on the occurrence of actual vacancy in any post on account of Transfer; Promotion; Retirement; Reversion; Suspension; Death etc. of the incumbent Government Servant or upon both the incoming and outgoing Government Servants being transferred in tandem resulting in actual vacancy occurring even if it were for only some moments can the statutory powers vested with ‘Competent Transferring Authority’ and next ‘Superior Transferring Authority’ be exercised to effect General Transfers under Section 3(1) or Mid Term and Mid Tenure Transfers under Section 4(4)(ii) and Section 4(5) of the Transfer Act, 2005.

18. The existence of actual vacancy in any post is de-jure mandatory as is evident from provisions of Rule 29 and Rule 31 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981 which are reproduced below:-

“29. Relieving Government servant to intimate probable date of joining to the Government servant to be relieved- Every relieving Government servant is responsible for informing the Government servant to be relieved, at the earliest possible moment, of the date when he will be in a position to receive charge, and it is the duty of the Government servant to be relieved to be in readiness to deliver charge on that date.

31. Charge must be handed over at the headquarters, both relieved and relieving Government servants to be present - Except as otherwise provided below, the charge of a post must be made over at the headquarters, both the relieving and relieved Government servants being present—

19. The District Collector, Thane by passing Office Order dated 19.06.2023 had not complied with provisions of Rule 29 and Rule 31 of Maharashtra Civil Services (General Conditions of Services) Rules 1981 and had acted in haste to implement the Transfer Order dated 16.06.2023 of Respondent No.2 and permitted her to join ex-parte on the post of Tahsildar (Revenue), Collector Office, Thane knowing that Applicant was serving on that post as per Transfer Order dated 12.04.2023.

20. The transfer of Respondent No.2 from the Vacant Post of Purchase Officer, District Bhandara which she had not joined on grounds of her serious Health Condition and Personal Reasons to the post of Tahsildar (Revenue) Collector Office, Thane was not considered and recommended by the Civil Services Board (CSB) as admitted in the Affidavit-in-Reply, dated 25.08.2023 but it was still recommended by ‘Competent Transferring Authority’ and was given prior approval by next Superior Transferring Authority. The action on the part of Competent Transferring Authority to recommend to the next Superior Transferring Authority, the transfer of Respondent No.2 to the occupied post of Tahsildar (Revenue) Collector Office, Thane contravenes the judgment of the Hon’ble Supreme Court of India in **T.S.R. Subramanian & Ors. Vs. Union of India & Ors. (2013)15 SCC**. The relevant paragraphs of this judgment are reproduced below to emphasize on the vulnerability of frequent transfers

of Government Servants particularly those serving in State Governments :-

“We notice, at present the civil servants are not having stability of tenure, particularly in the State Governments where transfers and postings are made frequently, at the whims and fancies of the executive head for political and other considerations and not in public interest. Fixed minimum tenure would not only enable the civil servants to achieve their professional targets, but also help them to function as effective instruments of public policy. Repeated shuffling/transfer of the officers is deleterious to good governance. Minimum assured service tenure ensures efficient service delivery and also increased efficiency. They can also prioritize various social and economic measures intended to implement for the poor and marginalized sections of the society.”

21. The 'Transfer Order' of Respondent No.2 to post of Tahsildar (Revenue) Collector Office, Thane was issued on 16.06.2023 against proposed transfer of Applicant for reasons which remain in the realm of unknown was without any recommendation of Civil Services Board (CSB) which was mandatory as per judgment of the Hon'ble Supreme Court of India in **T.S.R. Subramanian & Ors. Vs. Union of India & Ors.(2013)15 SCC**. The provisions of Rule 29 and Rule 31 of Maharashtra Civil Services (General Conditions of Services) Rules 1981, were knowingly contravened by the District Collector, Thane as the Transfer Order of Respondent No.2 issued on 16.06.2023 was implemented even when there was no actual vacancy of the post of Tahsildar (Revenue) Collector Office, Thane which was occupied by the Applicant. The Competent Transferring Authority did not desist from recommending the transfer of Respondent No.2 on the occupied post of Tahsildar (Revenue) Collector Office, Thane. Therefore, the Competent Transferring Authority has acted with undue haste to suo-moto invoke Statutory Powers under Section 4(4) (ii) and Section 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 in display of arbitrariness in decision making by Public Authority with shades of malafide to literally expel the Applicant who had served on the post of Tahsildar (Revenue) Collector Office, Thane for just about 2 months since joining on 13.04.2023. The Competent Transferring Authority was expected to exercise Statutory Powers under Section 4(4)(ii) and Section

4(5) of the Transfer Act, 2005 by strictly remaining within the legal space circumscribed by various judgements of the Hon'ble Supreme Court of India and Hon'ble High Court of Bombay.

22. The Hon'ble Supreme Court of India in the case of ***East Coast Railway & Another Vs. Mahadev Appa Rao & Ors. (2010) 7 SCC 678*** which has emphasized on the application of mind and recording of reasons by Public Authority by observing that :-

“There is no precise statutory or other definition of the term “arbitrary”. Arbitrariness in the making of an order by an authority can manifest itself in different forms. Non-application of mind by the authority making an order is only one of them. Every order passed by a public authority must disclose due and proper application of mind by the person making the order. This may be evident from the order itself or record contemporaneously maintained. Application of mind is best demonstrated by disclosure of mind by the authority making the order. And disclosure is best done by recording reasons that led the authority to pass the order in question. Absence of reasons either in the order passed by the authority or in the record contemporaneously maintained, is clearly suggestive of the order being arbitrary hence legally unsustainable.”

23. The Hon'ble High Court of Bombay in ***W.P. (L) No. 1940 of 2011 decided on January 24, 2012 (Shri S.B. Bhagwat V/s. State of Maharashtra & Ors.)*** has elaborated about the provisions of law relating to Mid Term Transfers by observing that :-

“An employee who has not completed his normal tenure of three years may yet be subjected to transfer, as provided in sub-section (5) of section 4. Sub-section (5) of section 4 begins with an overriding non-obstante provision, but requires that reasons have to be recorded in writing in a special case for transferring an employee even prior to the completion of tenure. Merely calling a case a special case does not constitute a sufficient reason. The rationale why the legislature has required that reasons be recorded in writing for transferring an employee even before completing his tenure is to bring objectivity and transparency to the process of transfers. Indeed, the matter of transfers has been brought within a regulatory framework laid down in the statute enacted by the State legislature. Section 4(5) permits as an exceptional situation, a transfer to be carried out, notwithstanding anything contained in section 3 or in section 4. The exceptional power must be exercised strictly in accordance with sub-section (5) of section 4. It is a settled position in law that when a statutory power is conferred upon an authority to do a particular thing, that exercise has to be carried out in the manner prescribed by the statute.”

24. The Hon'ble High Court of Bombay in ***Writ Petition No.5465/2012 decided on March 07, 2013 (Shri Krishor Shridharrao Mhaske Vs. Maharashtra OBC, Finance & Development Corporation & Ors.*** has explained the role of Competent Transferring Authority with respect to Mid-Term transfers by observing that:-

“Section 4(5) which begins with the non-obstante clause obligate the Competent authority to seek prior approval of the competent transferring authority as indicated in Section 6 of the Act and also to record reasons in writing in special case of the mid-term or pre-mature transfer of any Government servant who has not completed three years of normal tenure on particular post. Section 6 of the Act lays down the categories of the Government servants in column no (1) of the table who may be transferred by the competent transferring authorities as mentioned in column (2) of the table.”

“The mid-term or pre-mature special transfer has to be strictly according to law, by a reasoned order in writing and after the due and prior approval from the competent transferring authority concerned for effecting such special transfer under the Act. The exercise of exceptional statutory power has to be transparent, reasonable and rational to serve objectives of Act, as far as possible, in public interest. Mandatory requirements of the provision under Section 4(5) of the Act cannot be ignored or bye-passed. The exceptional reasons for the special mid-term or pre-mature transfer ought to have been stated in writing. Vague, hazy and meager expression such as "on administrative ground" cannot be a compliance to be considered apt and judicious enough in the face of mandatory statutory requirements. The impugned order of the transfer in the absence of mention of special and exceptional reasons was passed obviously in breach of the statutory obligations and suffers from the vices as above.”

25. In Hon'ble High Court of Bombay in ***Shri Santosh Machhindra Thite Vs. The State of Maharashtra & Ors., 2019(4) ALL MR 681*** has highlighted the need for consultation between Competent Transferring Authorities and Secretaries of Administrative Departments by observing that :-

“The power of transfer under sub-section (5) of section 4 is to be exercised by the Competent Authority only in special cases, after recording reasons in writing and that also with the prior approval of the immediately superior Transferring Authority (in the present case, the Hon'ble Chief Minister). According to the stand of the State Government, the power was exercised by the Hon'ble Minister as a Competent Transferring Authority within the meaning of section 6.

Therefore, the power purportedly exercised is not in consonance with sub-section (5) of section 4 as the concerned Secretaries were not consulted. The Hon'ble Minister can exercise the powers as a Competent Transferring Authority under section 6 only after consultation with the

Secretaries of the concerned Departments. Hence, the Hon'ble Minister had no power to pass orders under sub-section (5) of section 4 of the said Act without consultation with the Secretaries."

26. The Hon'ble Bombay High Court in ***Seshrao Nagarao Umap Vs. State of Maharashtra, (1985)II LL J 73(Bom)*** has summarized the law on the aspect of colourable exercise of powers to accommodate another Government Servant for undisclosed reasons by observing that :-

"It is an accepted principle that in public service transfer is an incident of service. It is also an implied condition of service and appointing authority has a wide discretion in the matter. The Government is the best judge to decide how to distribute and utilize the services of its employees. However this power must be exercised honestly, bona fide and reasonably. It should be exercised in public interest. If the exercise of power is based on extraneous considerations or for achieving an alien purpose or an oblique motive it would amount to mala fide and colorable exercise of power. Frequent transfers, without sufficient reasons to justify such transfers, cannot, but be held as mala fide. A transfer is mala fide when it is made not for professed purpose, such as in normal course or in public or administrative interest or in the exigencies of service but for other purpose, than is to accommodate another person for undisclosed reasons. It is the basic principle of rule of law and good administration, that even administrative actions should be just and fair."

27. The Transfer Order dated 16.06.2023 by which Respondent No.2 was posted as Tahsildar (Revenue) Collector Office, Thane therefore does not meet the high judicial standards set by several judgments of the Hon'ble Supreme Court of India and Hon'ble Bombay High Court and suffers from the vice of (a) Arbitrariness in exercise of Statutory Power (ii) Malafides in exercise of Statutory Powers and (c) Unlawful exercise of Statutory Powers. Therefore, the Transfer Order dated 16.06.2023 by which Respondent No.2 was transferred to the post of Tahsildar (Revenue) Collector Office, Thane is liable to be quashed and set aside and so also the Transfer Order dated 09.08.2023 by which Applicant was subsequently transferred to the post of Tahsildar, Kurla Mumbai Suburban District. Hence, the following order.

ORDER

- (A) The Original Application is Allowed.
- (B) The Transfer Order dated 16.06.2023 of Respondent No.2 to the post of Tahsildar (Revenue) Collector Office, Thane is quashed and set aside. The Applicant therefore to forthwith join back on the post of Tahsildar (Revenue) Collector Office, Thane.
- (C) The Transfer Order dated 09.08.2023 of Applicant to the post of Tahsildar, Kurla Mumbai Suburban District is consequently quashed and set aside.
- (D) No Order as to Costs.

Sd/-

(Debashish Chakrabarty)
Member(A)

Place : Mumbai

Date : 23.11.2023

Dictation taken by : V.S. Mane

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