

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 229 OF 2024

(Subject:- Transfer)

**DISTRICT:-CH.
SAMBHAJINAGAR**

Ganesh s/o Tarachand Zalwar)
Age 40 years, Occupation Service as)
P.S.I., Police Station, Soygaon,)
Dist. Chh. Sambhajinagar.)
Mobile No. 9823019767)
Email ID: ganeshzalwar@gmail.com) **APPLICANT**

V E R S U S

- 1. The State of Maharashtra**)
Through its Secretary,)
Home Department,)
Mantralaya, Mumbai -400 001.)
- 2. The Commissioner of Police,**)
Chhatrapati Sambhajinagar)
District Chhatrapati Sambhajinagar.)
- 3. Special Inspector General of Police,**)
Near Baba Petrol Pump,)
Chhatrapati Sambhajinagar,)
- 4. The Superintendent of Police,**)
Chhatrapati Sambhajinagar)
District Chhatrapati Sambhajinagar.) **RESPONDENTS**

APPEARANCE : Shri B.S. Bhale, learned counsel for
the applicant.

: Shri M.B. Bharaswadkar, learned Chief
Presenting Officer for the respondent
authorities.

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

DATE : **05.04.2024.**

ORAL - ORDER

Heard Shri B.S. Bhale, learned counsel for the applicant and Shri M.B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities finally with consent at admission stage.

2. By impugned order dated 23.02.2024 (Annexure 'A-1'), the applicant came to be transferred from Ch. Sambhajinagar (Rural) to Dharashiv in terms of directives issued by the Election Commission of India by communication dated 21.12.2023.

3. Admittedly, though Chhatrapati Sambhajinagar is the home district of the applicant, however, at the time of impugned transfer order, the applicant was holding the non-executive post at Control Room, Chhatrapati Sambhajinagar (Rural).

4. In view of above, the transfer policy as declared by the Election Commission of India in terms of paragraph No. 3 of the communication dated 21.12.2023 is not applicable to the case of the applicant. Paragraph No.3 of directives issued

by Election Commission of India by letter dated 21.12.2023 reads as under:-

“3. Hence, the Commissioner has decided that **no office connected directly with elections shall be allowed to continue in the present district (revenue district) of posting:-**

- (i) **if she/he is posted in her/his home district.**
- (ii) **if she/he has completed three years in that district during last four (4) years or would be completing 3 years on or before 30th June, 2024**

While calculating the period of three years, promotion to a post within the district is to be counted.

5. The applicant is not connected directly to the elections since he has been holding the post at Control Room, Chhatrapati Sambhajnagar.

6. In view of above, this Original Application deserves to be allowed. Hence, the following order.

ORDER

- (A) The Original Application is hereby allowed.
- (B) The impugned transfer order dated 23.02.2024 to the extent of applicant's transfer from Chhatrapati Sambhajnagar to Dharashiv is hereby quashed and set aside.

- (C) The respondents are hereby directed to permit the applicant to work at his place of posting i.e. Control Room, Chhatrapati Sambhajinagar.
- (D) In the circumstances there shall be no order as to costs.
- (E) The Original Application is accordingly disposed of.

MEMBER (J)

Place:-Aurangabad
Date : 05.04.2024
SAS O.A. 229/2024(S.B.) Transfer