

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 232 OF 2024

(Subject:- Transfer)

DISTRICT:-NANDURBAR

Anil Bansi Gawande,)
Age: 45, Occu.: Presently working as)
Tahasildar (Revenue) Collector Office,)
Nandurbar.)
R/o. Plot No. 32 Jayantilal Nagar,)
Neha Park, Dhule Road, Nandurbar.)
Tal & Dist. Jalgaon Pin-394370)
Mob.7057405307.) **APPLICANT**

V E R S U S

- 1. The State of Maharashtra**)
Through its Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai – 400 032.)
- 2. The Chief Election Officer,**)
Maharashtra State,)
General Administration Department,)
Mantralaya, Mumbai-400032.)
- 3. The Divisional Commissioner,**)
Nashik Division, Nashik Road,)
New Administrative Building,)
Nashik Raod, Nashik.)
- 4. The Collector, Nandurbar**)
District-Nandurbar.) **RESPONDENTS**

APPEARANCE : Shri M.V. Bhamre, 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 : **28.03.2024.**

ORAL - ORDER

Heard Shri M.V. Bhamre, 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 way of this Original Application the applicant is challenging the transfer order dated 26.02.2024, thereby transferring him from the post of Tahasildar (Revenue) Collector Office, Nandurbar to the post of Tahasildar Akrani, Dist. Nandurbar.

3. Learned counsel for the applicant submits that the applicant is working as Tahasildar. By order dated 12.04.2023, the applicant came to be transferred from the post of Tahasildar, Parola, District Jalgaon to the post of Tahasildar (Revenue), Collector Office, Nandurbar.

4. Learned counsel for the applicant submits by impugned order dated 26.02.2024, the applicant came to be transferred from the post of Tahasildar (Revenue) Collector Office, Nandurbar to the post of Tahasildar Akrani, Dist. Nandurbar in terms of directives issued by Election Commission of India.

5. Learned counsel for the applicant submits that district Nandurbar is neither the home district of the applicant nor he has completed three years out of last four years as Tahasildar (Revenue) at Nandurbar. Learned counsel for the applicant submits that before passing of the impugned order by order dated 16.02.2024 the applicant was given posting as EVM Nodal Officer. Infact it was for the purpose of training and as such, the applicant is not directly connected with the elections. Learned counsel for the applicant submits that in view of same, the transfer of the applicant is unwarranted and un-called for.

6. Learned Chief Presenting Officer submits that by impugned order dated 26.02.2024, since the applicant was given training to handle and maintain the EVM machine, he came to be posted at Tahasildar Akrani, Dist. Nandurbar and as such, he is covered by the transfer policy as declared by the Election Commission of India.

7. Admittedly, district Nandurbar is not the home district of the applicant and the applicant has not completed three years in the district during his last four years. It appears that before passing of the impugned order the applicant was given posting as EVM Nodal Officer for the

purpose of training. The applicant came to be transferred under the transfer policy as declared by the Election Commission of India.

8. By any stretch of imagination, it cannot be said that the applicant is directly connected with the elections even assuming that he was posted as EVM Nodal Officer for the training purpose and even assuming that his expertise in connection with the EVM machine would be utilized by posting him at Akrani, Dist. Nandurbar. However, the transfer of the applicant from the post of Tahasildar (Revenue) Collector Office, Nandurbar to the post of Tahasildar Akrani, Dist. Nandurbar in terms of directives issued by Election Commission of India totally unwarranted and un-called for. The applicant's case is not covered by the transfer policy as declared by the Election Commission of India.

9. In view of above, the Original Application deserves to be allowed. Hence, the following order:-

ORDER

(A) The Original Application is hereby allowed.

- (B) The impugned transfer order dated 26.02.2024 is hereby quashed and set aside to the extent of applicant.
- (C) The respondent Nos. 1 to 4 are hereby directed to allow the applicant to continue to work on the post of Tahasildar (Revenue) Collector Office, Nandurbar.
- (D) In the circumstances, there shall be no order as to costs.
- (E) The Original Application is accordingly disposed of.
- (F) Steno copy and Hamdast is allowed to learned counsel for the applicant.

MEMBER (J)

Place:-Aurangabad
Date : 28.03.2024
SAS O.A. 232/2024(S.B.) Transfer