

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 424 OF 2022

(Subject:- Transfer)

DISTRICT:-AURANGABAD

Raosaheb Khandu Jare,)
Age: 43 Years, Occu. Service as)
Awwal Karkoon, Collector office,)
Aurangabad.)
R/o. Hingaongaon,)
Tq. & Dist. Ahmednagar.) **APPLICANT**

V E R S U S

- 1. The State of Maharashtra,**)
Through: The Principal Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai -32.)
- 2. The District Collector,**)
Collector Office, Aurangabad.)
- 3. The District Collector,**)
Collector Office, Ahmednagar.) **RESPONDENTS**

APPEARANCE : Shri K.B. Jadhav, learned Counsel
for the applicant.
: Shri M.P. Gude, learned Presenting
Officer for the respondent authority.

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

RESERVED ON : **02.01.2024.**

PRONOUNCED ON : **08.02.2024.**

ORDER

Heard Shri K.B. Jadhav, learned counsel for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondent authorities.

2. By this Original Application the applicant is seeking directions to respondents to consider and decide his representation for inter-district transfer from Aurangabad Collector Office to Ahmednagar Collector Office and also quashing and setting aside impugned order dated 27.05.2022 issued by respondent No.3 by carrying out amendment (B-1) and also seeking quashing and setting aside impugned order dated 21.07.2023 issued by the respondent No.3 thereby rejecting the application dated 22.12.2022 submitted by the applicant for inter-district transfer from Aurangabad to Ahmednagar by carrying out amendment (B-2).

3. Brief facts giving rise to the Original Application are as follows:-

(i) The applicant is Ex-serviceman retired from the office of Indian Army on 31.05.2013. Thereafter he had applied for appointment for the post of Clerk-Typist in view of

advertisement issued by the respondent No.2 dated 18.01.2014. The applicant was selected for the post of Clerk-Typist from Ex-serviceman reserved category and accordingly, the respondent No.2 has issued the appointment order to the applicant dated 04.03.2014 and posted him in Aurangabad Tahasil Office, Aurangabad.

(ii) It is the case of the applicant that his mother is Psychiatric patient and thus the applicant has requested for inter-district transfer from the office of respondent No.2 to the office of respondent No.3. Thus the respondent No.1 by letter dated 06.02.2015 issued to the respondent Nos. 2 & 3 called report for inter-district transfer of the applicant in terms of the G.R. dated 03.06.2011.

(iii) According to the applicant his case was recommended to the Revenue Minister by the M.L.A. on 07.01.2015. The respondent No.2 has submitted proposal dated 20.03.2015 for inter-district transfer of the applicant from Aurangabad to Ahmednagar as per Section 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. In view of the letter of the respondent No.1, the respondent No.3 has

also issued letter on 18.04.2015 to respondent No.1 and informed him that the applicant is appointed from Ex-serviceman category and there is vacant post in his establishment and the applicant can be accommodated in his office and thus, requested to pass an appropriate order for inter-district transfer of the applicant.

(iv) It is further case of the applicant that on 01.9.2015 the applicant has again submitted the application to the Revenue Minister of the Maharashtra stating therein that he had rendered total 16 years service in Indian Army and his mother is Psychiatric patient and she is taking medical treatment since 2009 in one private hospital at Ahmednagar. He has also requested that his step mother is suffering from Cancer and his wife is also suffering from illness. Thus the applicant has requested to transfer him from Aurangabad to Ahmednagar on inter-district policy.

(v) It is the case of the applicant that the respondent No.1 had considered the request of the similarly situated employees for inter-district transfer by relaxing the condition of five years' service as a special case. However, the applicant was not transferred inter-district.

(vi) It is the case of the applicant that on 30.01.2017 the respondent No.2 had submitted the detailed proposal to respondent No.1 for inter-district transfer of the applicant from Aurangabad to Ahmednagar. It was requested that, if the Government grants approval of inter-district transfer of the applicant, then he will be relieved from Aurangabad. Service details of the applicant were also submitted to respondent No.1. The applicant had also given the undertaking. On 18.02.2017 the respondent No.3 has also submitted the report/letter to the respondent No.1 that there is no vacant post for Clerk-Typist from Open category available with him and therefore informed that the applicant cannot be accommodated in his establishment. Thus on 10.03.2017 the applicant and one Anandsing Rupsing Ghusinge has submitted joint application to respondent No.1 requesting therein to mutual inter-district transfer. On 29.04.2017 the respondent No. 3 has submitted report to the respondent No.1 for inter-district transfer of the applicant and one Mr. Ghusinge and informed that the said Mr. Ghusing is not eligible for inter-district transfer. On 02.05.2017 the respondent No.2 has submitted report to respondent No.1 for inter-district transfer of the applicant.

(vii) It is the case of the applicant that the respondent No.2 has issued order dated 28.09.2017 thereby granted the status of permanency to applicant and thus issued certificate to that effect to the applicant w.e.f. 07.03.2017. Further on 16.04.2019 the respondent No.3 has issued order declaring the result of Sub Service Departmental (SSD) examination and the said Mr. Ghusinge is shown to have passed the examination. Thus on 17.04.2019 the applicant has submitted application to respondent No.1 for mutual inter-district transfer.

(viii) it is further case of the applicant that meanwhile the applicant came to be transferred at Gangapur on the post of Revenue Assistant and while working at Gangapur by considering the performance of the applicant, the respondent No.2 has issued the promotion order dated 04.06.2021, thereby promoting the applicant on the post of Awwal Karkoon and posted him in Non-Agriculture Branch of the Collector Office, Aurangabad.

(ix) Further on 09.12.2021 the applicant has again submitted an application to respondent No.2 and requested for inter division mutual transfer. It is requested that

applicant's native place is in Ahmednagar taluka and he has submitted application for inter-district transfer on family grounds.

(x) The applicant has further requested in the said application that one Vijaysing Pannalal Naymane working on the post of Awwal Karkoon in Tahasil Office, Shevgaon Dist. Ahmednagar is ready for mutual transfer and thus requested to consider his request for inter district mutual transfer. Though the respondent No.1 on 31.08.2018 has issued the order transferring the various employees from one district to another district, the request of the applicant was not considered by the respondent No.1 in spite of various applications submitted by the applicant.

(xi) It is the further case of the applicant that during pendency of this Original Application, the applicant's request for mutual inter-district transfer from Aurangabad to Ahmednagar came to be rejected by the respondent No.3 by letter dated 27.05.2022. Further during pendency of the Original Application, the applicant and one Mr. Bharat Shivsing Bramhawat who is working on the post of Awwal Karkoon in the office of respondent No.3 have filed the

common request application dated 22.12.2022 to respondent Nos. 2 & 3 and requested to consider their request for mutual inter-district transfer. On 27.12.2022 the applicant has filed separate application to respondent No. 2 requesting therein that, if he is transferred by way of inter-district transfer at Collector Office, Ahmednagar then he will withdraw the Original Application.

(xii) However, the respondent No.2 has issued letter dated 06.01.2023 to respondent No.3 and informed that the applicant has requested for inter-district transfer and he has completed eight years in Group-‘C’ cadre and thus requested to give NOC for mutual inter-district transfer of the applicant from Aurangabad to Ahmednagar. It is also requested to submit the proposal of the said Bharat Shivsing Bramhawat for NOC to the office of Collector, Aurangabad. It is also informed that Mr. Bharat Shivsing Bramhawat is fulfilling criteria for inter-district transfer.

(xiii) It is the further case of the applicant that the respondent No.3 has issued the letter dated 21.07.2023 to respondent No.2 and informed that the applicant is not fulfilling the criteria of G.R. dated 15.05.2019 and therefore, the request of the applicant cannot be considered for inter-

district transfer. The respondent No.3 thus rejected the claim of the applicant for inter-district transfer.

(xiv) Infact the applicant submits that the claim of the applicant is rejected by respondent No.3 on the ground that the applicant has not worked for 5 years on the post of Awwal Karkoon and therefore, he has not fulfilled the criteria for inter-district/division transfer. However, the respondent No.2 has informed that the applicant is working in Group 'C' cadre since last 10 years and therefore, he is eligible for inter-district transfer. Hence, this Original Application.

4. Learned counsel for the applicant submits that the General Administration Department has issued G.Rs. dated 03.06.2011 and 15.05.2019 framing thereby certain guidelines for inter-district transfers. There are certain guidelines issued for effecting the inter-district transfers of the employees on request. The powers of inter district transfers are given to the respective heads of the office and therefore, the respondent Nos. 2 & 3 herein are competent authorities to consider the request of the applicant for inter-district transfer. Learned counsel for the applicant submits that the applicant is fulfilling the criteria of the said G.R. for

inter-district transfer. The first condition is that the candidate should serve 5 years continuous service in the same cadre. The applicant has completed more than 5 years in Class-III cadre and therefore, he is eligible for inter-district transfer. Further, second condition is that the employee should pass all the examinations for the said cadre. Learned counsel for the applicant submits that the applicant has passed all the requisite examinations. Learned counsel for the applicant submits that the third condition is about the permanency certificate in favour of the employee. The respondent No.2 has issued permanency certificate to the applicant. The fourth condition is that the Annual Confidential Reports of the candidates has to be minimum average 'B' and the applicant also fulfills this condition. The fifth condition is that there should not be any departmental enquiry and criminal case pending against the employee. There is no criminal case or departmental enquiry pending against the applicant. Learned counsel for the applicant submits that the applicant is fulfilling all the conditions of aforesaid G.R. and therefore, his case is required to be considered for inter-district transfer.

5. Learned counsel for the applicant submits that the applicant is seeking redressal of his grievance since 2015 for inter-district transfer on medical grounds. The respondent No.2 has issued the certificate dated 21.04.2016 for the excellent work of the applicant for the year 2015-2016. Further on 01.08.2017 he was also given the rewards of good employee on the occasion of revenue day by the respondent No.2.

6. Learned counsel for the applicant submits that the applicant has made representation for inter-district mutual transfer along with one Vijaysing Pannalal Naymane and both of them have submitted the common applications dated 09.12.2021 and 18.02.2022 to respondent Nos. 2 and 3. Learned counsel for the applicant submits that during pendency of this Original Application by order dated 27.05.2022, the respondent No.2 has rejected the said applications.

7. Learned counsel for the applicant submits that during pendency of this Original Application the applicant and one Mr. Bharat Shivsing Bramhawat who is working on the post of Awwal Karkoon in the office of respondent No.3

have filed the common request application on 22.12.2022 to respondent Nos. 2 and 3 requesting therein to consider their request for mutual inter-district transfer from Aurangabad to Ahmednagar and from Ahmednagar to Aurangabad. Even the respondent No.2 has issued letter dated 06.01.2023 to respondent No.3 and informed that the applicant has completed 8 years service in Group- 'C' cadre and requested to give NOC for mutual inter-district transfer of the applicant. Learned counsel for the applicant submits that the respondent No.2 has also given NOC to the respondent No.3 to accommodate the said Mr. Bharat Shivsing Bramhawat in his office by inter-district transfer. It is also informed to respondent No.3 that the said Mr. Mr. Bharat Shivsing Bramhawat is fulfilling the criteria for inter-district transfer.

8. Learned counsel for the applicant submits that the respondent No.3 has issued the letter dated 21.07.2023 to respondent No.2 and informed that the applicant is not fulfilling the criteria of the G.R. dated 15.05.2019 and therefore, the request of the applicant cannot be considered for inter-district transfer.

9. Learned counsel for the applicant submits that the claim of the applicant came to be rejected by respondent No.3

on the ground that the applicant has not completed 5 years on the post of Awwal Karkoon and therefore, he is not eligible for inter-district/division transfer. However, the respondent No.2 has informed to respondent No.3 that the applicant is working in Class-‘C’ cadre since more than 8 years and therefore, he is eligible for inter-district transfer. Learned counsel for the applicant submits that the respondent No.3 is wrongly interpreting Clause 2 (1) of the G.R. dated 15.05.2019 which says that the employee shall work 5 years continuously in the same cadre. The applicant is working since last 10 years in Class-‘C’ cadre and the respondent No.2 has therefore, rightly granted the permission of transfer of the applicant.

10. Learned counsel for the applicant submits that there is a notification dated 06.02.2016 introducing thereby the Recruitment Rules of Ahmednagar Municipal Corporation in which the definition of “Cadre” (“संवर्ग”) is given. As per the definition “Cadre” means a group of permanent as well as temporary posts, sanctioned from time to time of a service or a part of service sanctioned as a separate unit. Learned counsel for the applicant submits that Group ‘C’ is a cadre

which includes the various posts i.e. Clerk Typist, Awwal Karkoon, Driver, Circle Officer, Talathi etc. Learned counsel for the applicant submits that in view of the same, the rejection of the request application filed by the applicant about his inter-district transfer on their wrong interpretation of G.R. is arbitrary, incorrect and improper.

11. Learned counsel for the applicant submits that Rule 9 (5) of Maharashtra Civil Services (General conditions of Services) Rules, 1981 reads as:-

“9(5) Cadre means a group of permanent as well as temporary posts, sanctioned from time to time, of a service or a part of service sanctioned as a separate unit.”

Learned counsel for the applicant submits that therefore, the post held by the applicant as Awwal Karkoon includes in the Class ‘C’ cadre and the post of Clerk Typist also includes in the said cadre. Therefore, the applicant has completed more than 5 years in Class ‘C’ cadre and as such, entitled for inter-district transfer in the office of respondent No.3 in terms of the G.R. dated 15.05.2019.

12. Learned counsel for the applicant submits that the applicant is Ex-serviceman retired from India Army. The mother of the applicant is Psychiatric patient and due to

family problems, the applicant has requested for inter-district transfer from the office of respondent No.2 to the office of respondent No.3. The mother of the applicant is Psychiatric patient and she is taking medical treatment since 2009 in Dr. Karhale Hospital & Psychiatric Centre, Ahmednagar. Further the step mother of the applicant is Cancer patient and his wife is also suffering from illness. Therefore, the applicant has requested for transfer from Aurangabad to Ahmednagar on inter-district transfer Policy.

13. Learned counsel for the applicant submits that the Original Application deserves to be allowed and the respondents may be directed to consider the request of the applicant for mutual inter-district transfer from the office of respondent No.2 to the office of respondent No.3 forthwith and to issue inter-district transfer order of the applicant.

14. The respondent Nos. 1 and 3 have filed affidavit in reply and on the basis of said reply the learned Presenting Officer submits that the present applicant and one Mr. Vijaysing Pannalal Naymane, Awwal Karkoon, Tahsil Office-Shevgaon have requested for inter-district transfer and the respondent has decided the representations/applications so

submitted by the applicant dated 18.02.2022 and 27.05.2022 in terms of the G.R. dated 15.05.2019 issued by the General Administration Department, Mumbai in this regard. Learned Presenting Officer submits that in terms of paragraph No. 2 (1) of the said G.R., the concerned employee should have completed 5 years continuous service in the concerned cadre. The applicant is discharging his duties from 04.06.2021 on the post of Awwal Karkoon cadre. Thus the applicant has completed 10 months period on the post of Awwal Karkoon cadre. So also after verification of the service details of Mr. Vijaysing Pannalal Naymane, it is found that by order dated 20.07.2021 he has been promoted to the post of Awwal Karkoon cadre from the post of Revenue Assistant Cadre. Accordingly on 22.07.2021, the said Mr. Vijaysing Pannalal Naymane has joined the post of Awwal Karkoon at Tahsil Office, Shevgaon and as such, he has completed service of 9 months on the post of Awwal Karkoon cadre.

15. Learned Presenting Officer submits that since both the employees i.e. the present applicant and said Mr. Vijaysing Pannalal Naymane have not completed the requisite period of their services as contemplated under paragraph No.

2 (1) of G.R. dated 15.05.2019, the respondent has rightly rejected the request of mutual inter-district transfer.

16. The respondent No.2 has filed the separate affidavit in reply and on the basis of the said reply the learned Presenting Officer submits that the respondent No.1 has issued G.R. dated 15.05.2019 laying down certain guidelines for inter-district transfer of the Government employees including Class-‘C’ category. By way of said G.R. dated 15.05.2019, if the employee working in a particular cadre has completed 5 years of continuous service in the same cadre, then the said employee is eligible for applying for inter-district transfer and the said transfer can be sanctioned only if the post of same cadre is vacant on the establishment of the counter part of the head of the department of that employee and for that purpose, the said counterpart office has to issue no objection for the transfer of the employee. Learned Presenting Officer submits that the head of the respective administrative departments are authorized to take decision regarding the inter-district transfer.

17. Learned P.O. submits that the present applicant was appointed as a Clerk in the office of respondent No.2 on

04.03.2014, however, he was promoted on the post of Awwal Karkoon w.e.f. 04.06.2021 and as on date the applicant is serving in the cadre of Awwal Karkoon Non-Agricultural Permission, Branch of Collector Office, Aurangabad.

18. Learned P.O. submits that the present applicant has submitted the application dated 09.12.2021 in the office of respondent No.2, thereby requesting the respondent No.2 for grant of permission for inter-district transfer of the applicant from Aurangabad to Ahmednagar. Learned P.O. submits that the applicant is serving in the cadre of Awwal Karkoon since 04.06.2021 and in view of same, he has not completed 5 years continuous service in the said cadre. Thus in view of the provisions of the said G.R. dated 15.05.2019, the applicant is not eligible for his inter-district transfer. Learned P.O. submits that the Original Application filed by the applicant is devoid of merit and the same is liable to be dismissed.

19. Learned counsel for the applicant by way of filing the affidavit in rejoinder on behalf of the applicant submits that the applicant came to be retired from Indian Army on 31.05.2013 and thereafter, he was applied for the post of

Clerk Typist from Ex-Serviceman reserved category in the year 2014 and accordingly the respondent No.2 has issued appointment order in favour of the applicant dated 04.03.2014 and posted him in Aurangabad Tahsil Office, Aurangabad.

20. Learned counsel for the applicant submits that the applicant has submitted application under Right To Information Act and called the information of inter-district transfers of the employees working in the Nagpur and Hingoli Collector Offices. As per the information provided by Collector Office, Nagpur even the employees having 2 years service on the post of Awwal Karkoon were considered for mutual inter-district transfer. Learned counsel for the applicant submits that the applicant has quoted in his rejoinder several such incidents of inter-district transfer of the various similarly situated employees by respondent No.2. Learned counsel for the applicant submits that the said condition of 5 years service also came to be relaxed by the respondent No. 1 in respect of similarly situated employees across the State but only the claim of the applicant came to be rejected.

21. This Original Application pertains to mutual inter-district transfer of the applicant from Aurangabad District to Ahmednagar District. By letter dated 27.05.2022 the respondent No.3 has rejected the application dated 18.02.2022 submitted by the applicant and further by letter dated 21.07.2023 the respondent No.3 has rejected the application dated 22.12.2022 submitted by the applicant. The application for mutual inter-district transfer came to be turned down by the department solely on the ground that the applicant has not completed continuous five years of service in cadre 'C' which is mandatory in terms of the G.R. dated 15.05.2019.

22. The applicant is Ex-Serviceman retired from the office of Indian Army on 31.05.2013. Thereafter, he had applied for appointment for the post of Clerk Typist in view of advertisement issued by respondent No.2 dated 18.01.2014. He was selected for the post of Clerk Typist from Ex-Serviceman reserved category and accordingly the respondent No.2 has issued the appointment order in favour of the applicant dated 04.03.2014 and posted him in Aurangabad Tahasil Office, Aurangabad. Further the applicant came to be

promoted by order dated 04.06.2021 on the post of Awwal Karkoon and he was posted in the Non-Agriculture Branch of the Collector Office, Aurangabad.

23. It is the case of the applicant that his mother is Psychiatric patient and in terms of schedule (1) of the G.R. dated 15.05.2019 since the mother of the applicant is Psychiatric patient, the applicant was primarily eligible for inter-district transfer on the aforesaid ground. There is no dispute about it. However, the respondent authorities have turned down the request of the applicant solely on the ground that after promotion of the applicant as a Awwal Karkoon, the applicant has completed only 10 months in the cadre and as such, he is not eligible for inter-district transfer. It appears that the applicant has made several attempts for the mutual inter-district transfer with the different employees every time for one and another reason. But finally the person who is also eligible in terms of G.R. dated 15.05.2019 for inter district transfer has given his consent to the applicant and accordingly, the applicant has submitted the mutual inter-district transfer application along with the said person.

24. In view of above, it is necessary to consider certain definitions in the Maharashtra Civil Services Rules so also in Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharging of Official Duties Act, 2005.

25. In the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharging of Official Duties Act, 2005 under Section 2, the definition of “Group A,B,C and D Posts, Post, and Transfer” is as under:-

“2 (e) “Group A,B, C and D Posts” means the posts under the Government classified as Group A,B,C and D Posts by Government order, from time to time;

2 (g) “post” means the job or seat of duty to which a Government servant is assigned or posted;

2 (i) “transfer” means posting of a Government servant from one post, office or Department to another post, office or Department;

In the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 under Rule 9 (5), the word “cadre” is defined which is as follows:-

“9(5) “Cadre means a group of permanent as well as temporary posts, sanctioned from time to time, of a

service or part of a service sanctioned as a separate unit.”

26. The Government has issued G.R. dated 15.05.2019 declaring thereby the policy to absorb within cadre the employee permanently as per his request from one establishment to another establishment. In the impugned order there is reference to Clause 2(1) of the said G.R. dated 15.05.2019 and it is stated that the concerned employees is required to complete five years continuous service in the concerned cadre.

27. It is not disputed that the “Circle Officer”, “Awwal Karkoon”, “Steno Typist”, “Talathi” and “Driver” all are in cadre ‘C’. It further appears from the G.R. dated 15.05.2019 that in terms of G.R. dated 03.06.2011 as referred in the G.R. dated 15.05.2019, the said policy of inter-districts transfer from one establishment to another establishment permanently is applicable to cadre ‘C’ only. It further appears from Clause 4 of the said G.R. dated 15.05.2019 that the said absorption is permissible by post to post i.e. for example- a person working as a Talathi may be absorbed in another establishment on the post of Talathi.

28. It further appears from annexure 'A-27' i.e. letter dated 06.01.2023 issued by Residential Deputy Collector, Aurangabad addressed to Residential Deputy Collector Office, Ahmednagar informing thereby that the applicant has completed 8 years continuous service in cadre 'C' and out of it completed one year service as Awwal Karkoon in the said cadre. It is also informed that the total continuous period of the applicant in cadre 'C' is 8 years. Further it appears that the said proposal is not accepted by the Collector Office, Ahmednagar. The respondent No.3 by impugned order dated 27.05.2022 has rejected the application of the applicant solely on the ground that the applicant has not completed continuous service in cadre 'C' as he was promoted as a Awwal Karkoon and he has worked on the said post for ten months and as such, not entitled for inter-district transfer.

29. It is clear from the definition of the phrase 'Cadre' into Rule 9 (5) of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 i.e. Cadre means a group of permanent as well as temporary posts, sanctioned from time to time, of a service or a part of a service sanctioned as a separate unit. In this context in my considered opinion, the post held by the applicant on his promotion as a Awwal

Karkoon also falls in the same cadre 'C' and cadre 'C' is group of permanent as well as temporary posts. It is already discussed in the foregoing paragraphs that the posts like Circle Officer, Awwal Karkoon, Steno Typist, Talathi and Driver all are fall in cadre 'C'. However, the word 'post' as defined in the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, means the job or seat of duty to which a Government servant is assigned or posted.

30. In view of above, even if the applicant is promoted on the post of Awwal Karkoon, he belongs to cadre 'C' and his continuous service in cadre 'C' is more than 8 years. It thus appears that the respondent authorities particularly respondent No.3 has misinterpreted the phrase 'Cadre' and unnecessarily made the confusion in the words 'Cadre' and 'Post'. In fact the respondent No.2 has rightly forwarded the proposal to respondent No.3 informing therein that the applicant has completed 8 years of service in cadre 'C' including the period on the post of Awwal Karkoon. However, as stated above, the respondent No.3 has misconstrued the provision and obviously arrived at a wrong conclusion.

31. In view of above observations, I proceed to pass the following order:-

ORDER

The Original Application No. 424 of 2022 is allowed in the following terms:-

- (A) The impugned orders dated 27.05.2022 and 21.07.2023 passed by respondent No.3 are hereby quashed and set aside.
- (B) The respondent authorities are hereby directed to consider the request of the applicant for inter district mutual transfer from Aurangabad to Ahmednagar and to issue inter district transfer order of the applicant, thereby transferring him from the office of respondent No.2 to the office of respondent No.3 under the inter-district mutual transfer policy within three months from the date of this order.
- (C) In the circumstances, there shall be no order as to costs.
- (D) The Original Application stands disposed of.

MEMBER (J)