

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

ORIGINAL APPLICATION NOS.298 TO 303 OF 2021

DISTRICT : KOLHAPUR

ORIGINAL APPLICATION NO.298 OF 2021

Shri Balwant Parasu Patade.)
Age : 46 Yrs., Occu.: Talathi,)
R/o. A/p. Sawardhan, Tal.: Radhanagari,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra.)
Through its Secretary,)
Revenue & Forest Department,)
Mantralaya, Mumbai – 400 032.)
2. The Sub-Divisional Officer.)
Sub-Division, Kolhapur, Central)
Administrative Building, Kasaba)
Bawada, Kolhapur.)
3. Residential Deputy Collector.)
In the Office of District Collector,)
Swarajya Bhawan, Nagala Park,)
Kolhapur – 416 003.)...**Respondents**

WITH

ORIGINAL APPLICATION NO.299 OF 2021

Shri Pandurang Ishwara Gurav.)
Age : 51 Yrs., Occu.: Talathi,)
R/o. A/p. Bujwade, Tal.: Radhanagari,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.300 OF 2021**

Shri Vijay Pandurang Khot.)
Age : 51 Yrs., Occu.: Talathi,)
R/o. A/p. Madgal, Tal.: Kagal,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.301 OF 2021**

Smt. Neeta Pradeep Shinde.)
Age : 35 Yrs., Occu.: Talathi,)
R/o. A/p. 1398/E Ward, Behind Mhasoba)
Mandir, 12th Galli, Rajarampuri,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

WITH**ORIGINAL APPLICATION NO.302 OF 2021**

Smt. Asha Yogesh Date.)
Age : 36 Yrs., Occu.: Talathi,)
R/o. A/p. Kagal Residency, Flat No.102,)
Hanuman Nagar, Kagal,)
District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

AND

ORIGINAL APPLICATION NO.303 OF 2021

Shri Sanjay Vijay Satardekar.)
Age : 43 Yrs., Occu.: Talathi,)
R/o. A/p. Kurtanwade, Post : Date,)
Taluka : Chandgad, District : Kolhapur.)...**Applicant**

Versus

1. The State of Maharashtra & 2 Ors.)...**Respondents**

Mr. R.M. Kolge, Advocate for Applicants.

Mr. A.J. Chougule, Presenting Officer for Respondents.

CORAM : SHRI A.P. KURHEKAR, MEMBER-J

DATE : 17.12.2021

JUDGMENT

1. The Applicants are serving as Talathi on the establishment of S.D.O, Radhanagari, Kagal Sub-Division Kolhapur, District Kolhapur. Out of these 6 Applicants, some have completed tenure of three years and others have not completed three years' tenure as Talathi in their present post. However, SDO by order dated 08.04.2021 and 12.04.2021 transferred them without following the procedure laid down in G.R. dated 09.04.2018 whereby guidelines are issued for transfer on counseling.

2. However, later, Collector, Kolhapur by order dated 12.05.2021 noticed various illegalities committed by SDO while transferring the Applicants. The Collector noted following illegalities :-

(i) Non-consultation of Civil Services Board (CSB),

(ii) Though 79 Talathis were functioning, SDO selectively passed orders/present Applicants without considering the issue of transfer of others.

(iii) SDO did not call for options as required under G.R. dated 09.04.2018.

(iv) As per G.R. dated 09.04.2018, options were required to be given as per seniority of entire cadre which was not done.

(v) SDO issued transfer orders of the present Applicants only on their mutual consent.

3. Thus, the Collector having noticed about the illegalities cancelled the transfer orders issued by SDO by passing reasoned order on 12.05.2021.

4. In view of cancellation of transfer orders, the SDO issued another order thereby reposting the Applicant at the places from where they were transferred under his order.

5. It is on the above background, the Applicants have challenged the order of Collector dated 12.05.2021 in the present O.A.

6. It is thus explicit that transfers issued by SDO were not in accordance to law, and therefore, Collector cancelled it and ultimately, Applicants were reinstated in their earlier post. The Collector also called explanation of SDO for passing such wrong orders.

7. Be that as it may, the ultimate position now emerges is that the transfer orders issued by SDO were cancelled by Collector having found those not in accordance to law. Therefore, the question of reviving the order passed by SDO does not survive. The Applicants cannot take the advantage of the orders which were not in accordance to law, particularly when, those are already cancelled by the Collector.

8. If Applicants want transfer mid-tenure/mid-term, they can make representation to the Respondents which can be dealt with appropriately or at the time of next general transfers.

9. It is on the above background, the learned Advocate for the Applicant fairly stated that O.A. be disposed of with liberty to the Applicants to make representation for transfer.

10. In view of above, all these O.As are disposed of with liberty to the Applicants to make representation for transfer and if such representations are made, it may be considered and decided appropriately as per Rules.

11. The Respondents may also consider the issue of transfer of Applicants in next general transfers in accordance to Rules.

12. No order as to costs.

Sd/-
(A.P. KURHEKAR)
Member-J

Mumbai
Date : 17.12.2021
Dictation taken by :
S.K. Wamanse.

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