

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

**ORIGINAL APPLICATION NO. 472 OF 2017
(Subject – Transfer)**

DISTRICT: LATUR

Shri Sanjay S/o Bhagwanrao Kulkarni,)

Age: 50 years, Occu. : Service,)

R/o Rathoda, Tq. Nilanga,)

Dist. Latur.)

.. **APPLICANT**

V E R S U S

1) **The State of Maharashtra,**)

Through the Secretary,)

Ministry of Rural Development)

Department,)

Mantralaya Mumbai- 32.)

2) **The Collector,**)

Tq. & Dist. Latur.)

.. **RESPONDENTS**

APPEARANCE : Shri T.M. Venjane, learned Advocate for the
Applicant.

: Shri I.S. Thorat, Presenting Officer for the
Respondents.

CORAM : HON'BLE SHRI B.P. PATIL, MEMBER (J)

O R D E R

(Delivered on this 22nd day of December, 2017.)

1. The applicant has challenged the order dated 27.06.2017 issued by the Collector, Latur, thereby deputing him in the office of Sub Divisional Office, Ahmedpur, Dist. Latur for the purposes of work of National Highway by filing the present Original Application.

2. The applicant has joined the service of the respondents as Talathi on 08.01.1996 at village Halki, Tq. Shirur Anantpal (Old Taluka Nilanga), Dist. Latur. In the year 2006, he has been transferred at village Ujed, Tq. Shirur Anantpal (Old Taluka Nilanga). On 27.08.2007, he was transferred to Kasar Shirshi, Tq. Nilanga, Dist. Latur. Thereafter, he has been sent on deputation at village Kothar Shivani and village Hadga, Tq. Nilanga, Dist. Latur. In the year 2014, he was promoted as Circle Officer and appointed at Jalkot, Taluka Jalkot, Dist. Latur. On 04.04.2015, he made an application to the Collector, Latur with a request to transfer him in Shirur Anantpal Taluka on the ground that his wife is serving as a Teacher in Jay Bhavani Vidyalaya at Halki, Tq. Nilanga, Dist. Latur and his daughter is studying in Rajarshi College, Latur in 12th Std. The Collector, Latur has not considered his request and therefore, he again filed another application dated 27.09.2016 with the Collector, Latur and requested to transfer him on the ground of his family problems. Considering his request, the Collector, Latur issued order dated 02.03.2016 and sent him on deputation in the Tahsil Office Shirur Anantpal. Thereafter, the Collector, Latur transferred him from Tahsil Office Jalkot by order dated 31.05.2016 as Circle Officer in the office of Tahsil, Shirur Anantpal. But all of a sudden on 27.06.2017, the Collector, Latur issued impugned order dated 27.06.2017 and deputed him in the office of Sub Divisional

Officer, Ahmedpur, Dist. Latur. It is his contention that his daughter is studying in 12th Std. at Latur and his wife is serving as Assistant Teacher at Halki, Tq. Nilanga, Dist. Latur. He has submitted that the distance between Ahmedpur is 90 k.ms. from Shirur Anantpal Taluka, 120 k.ms. from Nilanga Taluka and 75 k.ms. from Latur, therefore, it causes inconvenience to him in taking care of his wife and daughter. It is his contention that the respondents had not considered the said fact and issued the impugned order and therefore, he challenged the said impugned order dated 27.06.2017 by filing the present Original Application.

3. The respondent No. 2 resisted the contention of the applicant by filing his affidavit in reply. It is his contention that the Sub Divisional Officer, Ahmedpur requested him to depute the Circle Officer in the office of Sub Divisional Officer, Ahmedpur for the work of acquisition of land for National Highway. Considering his request, the Collector, Latur issued order dated 27.06.2017 and deputed the applicant in the office of Sub Divisional Officer, Ahmedpur on administrative ground. It is his contention that it is a deputation order and not a transfer order. Therefore, the O.A. is not maintainable. Therefore, he prayed to dismiss the present Original Application.

4. I have heard Shri T.M. Venjane, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for

respondents. I have perused the documents placed on record by both the parties.

5. Admittedly, the applicant was appointed as Talathi in the year 1996 i.e. on 08.01.1996 at village Halki, Tq. Shirur Anantpal (Old Taluka Nilanga), Dist. Latur. Thereafter, he has been transferred to village Ujed, Tq. Shirur Anantpal (Old Taluka Nilanga) and thereafter, he has been transferred to Kasar Shirshi, Tq. Nilanga, Dist. Latur on 27.08.2007. Thereafter, he has been sent on deputation at village Kothar Shivani and village Hadga, Tq. Nilanga, Dist. Latur. He was promoted as Circle Officer in the year 2014 and appointed at Jalkot, Taluka Jalkot, Dist. Latur. Thereafter, on 04.04.2015 he made representation for transferring him in Shirur Anantpal Taluka stating his family problems. Considering his request, the Collector, Latur deputed him in the Tahsil Office, Shirur Anantpal by order dated 02.03.2016 and thereafter, he has been transferred to the Tahsil office, Shirur Anantpal from the office of Tahsil, Jalkot since then he is serving there. On 27.06.2017, the impugned order has been issued by the Collector, Latur on the basis of the request made by the Sub Divisional Magistrate, Ahmedpur, as he was a need of Circle Officer for the purposes of acquisition of land for National Highway.

6. Learned Advocate for the applicant has submitted that the Collector, Latur i.e. the respondent No. 2 has made transfer of the applicant in Shirur Anantpal at his request in the year 2016, as his wife is serving as Assist. Teacher in the village Halki, Tq. Nilanga, Dist. Latur and his daughter is studying in 12th Std. at Latur. He has submitted that the convenience has been looked into while transferring him from Tahsil Office Jalkot to Tahsil Office, Shirur Anantpal. He has submitted that all of a sudden, the respondent No. 2 i.e. Collector, Latur passed the impugned order thereby deputed the applicant in the office of S.D.O., Ahmedpur. He has submitted that the distance between Nilanga Taluka and Ahmedpur is 120 k.ms. and distance between Ahmedpur and Latur is 75 Kms. Considering the said distance, it is not possible to the applicant to look after his wife and daughter staying at Halki, Tq. Nilanga, Dist. Latur and at Latur. Therefore, it causes inconvenience to him. He has submitted that the number of Circle Inspectors are available in Ahmedpur Taluka and one of them ought to have been deputed in the office of S.D.O., Ahmedpur, but instead of that, the respondent No. 2 deputed him by issuing the impugned order, which caused injustice to the applicant. Therefore, he prayed to allow the present Original Application and quash and set aside the impugned order dated 27.06.2017.

7. Learned Presenting Officer has submitted that the impugned order is a deputation order, by which the applicant has been deputed in the office of S.D.O., Ahmedpur, Dist. Latur for the purposes of work of acquisition of land for National Highway and his deputation is for temporary period and it is not a transfer order. He has further submitted that the said order has been passed by the Collector, Latur on administrative ground considering the administrative exigencies and therefore, there is no illegality in the said order and therefore, he prayed to reject the present Original Application.

8. On perusal of the record, it reveals that the work of construction of National Highway is going on in Ahmedpur Taluka and for that purpose, land acquisition process has started and therefore, S.D.O. Ahmedpur requested the Collector, Latur i.e. respondent No. 2 to depute a Circle Inspector in his office for the purposes of work of land acquisition for National Highway. On the basis of request made by the S.D.O., Ahmedpur, the respondent No. 2 i.e. the Collector, Latur issued order dated 27.06.2017 which has been challenged by the applicant. On perusal of the said order, which is at paper book page No. 18, it reveals that the applicant has been deputed in the office of S.D.O. Ahmedpur for the purposes of acquisition of land for National Highway till further orders. The said order has been issued by

the respondents considering the administrative exigencies and it cannot be treated as transfer order. Therefore, I do not find any illegality in the impugned order.

9. The only grievance of the applicant is that his convenience has not been considered by the respondent No. 2 while passing the impugned order. It is his further contention that because of the impugned order, his family has been disturbed and it will be difficult for him to take care of his wife and daughter. But I do not find substance in the grievances raised by the applicant, as the applicant was transferred in the office of Tahsil, Shirur Anantpal in the year 2016. That place is also different and faraway from the place where his wife is serving and the place where his daughter is studying. Therefore, I do not find substance in the submissions made by the learned Advocate for the applicant in that regard.

10. The impugned order dated 27.06.2017 has been issued on administrative ground. Therefore, no interference in the impugned order at the hands of the Tribunal is called for. The said deputation is made for temporary purpose till completion of the acquisition of work of land for construction of National Highway. Therefore, in my opinion, there is no illegality in the impugned order, which has been issued considering the administrative exigencies and therefore, no interference of the

Tribunal in such administrative order is called for. Consequently, the O.A. deserves to be dismissed.

11. In view of the discussions in foregoing paragraphs, the Original Application stands dismissed without costs.

(B.P. PATIL)
MEMBER (J).

PLACE : AURANGABAD.

DATE : 22.12.2017.

KPB/S.B. O.A. No. 472 of 2017 BPP 2017 Transfer